

NOVEMBER 22, 2021
TIME: 8:00 PM

IN CITY COUNCIL
ABSENT
LOCATION: CITY HALL, 140 MAIN STREET, 2ND FLOOR

CONVENED:
ADJOURNED:

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2021 NOV 18 P 2:55

CITY COUNCIL AGENDA

This meeting of the City Council will be held in City Council Chambers on Monday, November 22, 2021 at 8:00 PM. **PUBLIC ATTENDANCE IS PERMITTED.** This meeting will be televised on WMCT-TV (Comcast Channel 8 or Verizon/Fios Channel 34) or you can view the meeting using the link under the Meeting Videos tab on the city website (www.marlborough-ma.gov).

1. Minutes, City Council Meeting, November 8, 2021.
From Council President Ossing: Update from Mayor Vigeant regarding COVID-19.
2. Communication from City Council President Ossing, re: Reappointment of Councilor Michael Ossing to the OPEB Board of Trustees for a two-year term.
3. Communication from the Mayor, re: Transfer Request in the amount of \$1,204,784.00 which moves funds from Meals Tax Revenue Account to fund FY22 bond payments associated with Parks & Recreation improvements.
4. Communication from the Mayor, re: Proposed Ordinance Amendment to the Code of the City of Marlborough, Chapter 608 "Water" §11 "Entrance Fees" and Chapter 510 "Sewer" §4 "Building Sewer Connections" to adjust both water and sewer entrance fees based on significant demand on the system.
5. Communication from the Mayor, re: Proposed Zoning Amendment to the Code of the City of Marlborough, Chapter 650 "Zoning" §17, §18 and §32 relative to the regulation of marijuana uses incorporating recent regulatory amendments by the Cannabis Control Commission (CCC).
6. Communication from the Mayor, re: OPEB Trust Update.
7. Communication from the Mayor, re: Request to address City Council on The Campus Master Development Plan.
8. Communication from Solicitor Jason Grossfield, re: Application for Modification of Special Permit from Attorney Brian Falk, on behalf of Garden Remedies, Inc., requesting to update the signage at the Marlboro Square Retail Plaza, 416 Boston Post Road East, in proper legal form, Order No 21-1008417.
9. Communication from Solicitor Jason Grossfield, re: Request for Executive Session to discuss litigation strategy relative to WP Marlborough MA Owner, LLC v. Marlborough City Council.
10. Communication from the Planning Board, re: Favorable Recommendation on the Proposed Zoning Amendment to Chapter 650, §61 "Temporary Moratorium for Multi-Family Housing Projects" to extend the date to December 31, 2021 as requested by the Mayor, Order No. 21-1008414A (X 20-1008274).

Electronic devices, including laptops, cell phones, pagers, and PDAs must be turned off or put in silent mode upon entering the City Council Chamber, and any person violating this rule shall be asked to leave the chamber. Express authorization to utilize such devices may be granted by the President for recordkeeping purposes.

11. Petition from Massachusetts Electric and Verizon New England, to install two new Poles P6-51 and P6-5 on Bartlett Street.
12. Communication from National Grid, re: Public Notice for review and comment on the 2022 Yearly Operational Plan (YOP) and Vegetation Management Plan (VMP).
13. Communications from the Department of Public Utilities, re: Notice of Filing and Public Hearing on the following:
 - a) Petition of Eversource Gas Company for approval of its Three-Year Energy Efficiency Plan for 2022 through 2024.
 - b) Petition of NSTAR Gas Company (d/b/a Eversource Energy) for approval of its Three-Year Energy Efficiency Plan for 2022 through 2024.
 - c) Petition of MA Electric and Nantucket Electric for approval of its Three-Year Energy Efficiency Plan for 2022 through 2024.
 - d) Petition of NSTAR Electric (d/b/a Eversource Energy) of its Three-Year Energy Efficiency Plan for 2022 through 2024.
14. Minutes of Boards, Commissions and Committees:
 - a) School Committee, October 26, 2021.
 - b) Board of Assessors, September 8, 2021.
 - c) Conservation Commission, October 21, 2021.
 - d) Library Board of Trustees, September 7, 2021 & October 5, 2021.
 - e) OPEB Trust, November 9, 2021.

REPORTS OF COMMITTEES:

UNFINISHED BUSINESS:

From Personnel Committee

15. **Order No. 21-1008408: Appointment of Christopher Firicano as City Collector/Assistant Director of Finance for a 2-year term to expire the day following approval by the City Council.**

Recommendation of the Personnel Committee is to APPROVE Motion by Councilor Doucette to recommend approval of the appointment of Christopher Firicano, seconded by Chair Dumais and approved as submitted. Vote 3-0.
16. **Order No. 21-100412: Appointment of Donna Scalcione to the Council on Aging Board for a 4-year term from date of Council approval.**

Recommendation of the Personnel Committee is to APPROVE. Motion by Councilor Doucette to recommend approval of the appointment of Donna Scalcione, seconded by Chair Dumais and approved as submitted. Vote 3-0.

17. **Order No. 21-100413: Appointment of Raymond Magee to the Council on Aging Board for a 4-year term from date of Council approval.**

Recommendation of the Personnel Committee is to APPROVE. Motion by Councilor Doucette to recommend approval of the appointment of Raymond Magee, seconded by Chair Dumais and approved as submitted. Vote 3-0.

18. **Order No. 21-1008428A: Reappointment of Mark Gibbs as Director of Data Processing for a 3-year term from date of Council confirmation.**

Recommendation of the Personnel Committee is to APPROVE. Motion by Councilor Doucette to recommend approval of the appointment of Mark Gibbs, seconded by Chair Dumais and approved as submitted. Vote 3-0.

From Finance Committee

19. **Order No. 21-1008427: Transfer Request in the amount of \$146,288.00 which moves funds from PEG Funds to IT Equipment to fund the purchase of an electronic time system and equipment.**

Recommendation of the Finance Committee is to APPROVE. Motion by Councilor Oram to recommend approval of the transfer of \$146,288.00 from PEG Funds to IT Equipment for the purchase of an electronic time system and equipment, seconded by Chair Irish and approved. Vote 5-0.

From Urban Affairs Committee

20. **Order No. 21-1008417B: Application for Modification of Special Permit from Attorney Brian Falk, on behalf of Garden Remedies, Inc., requesting to update the signage at the Marlboro Square Retail Plaza, 416 Boston Post Road East.**

There is No Recommendation of the Urban Affairs Committee. On a motion by Councilor Robey at the November 8, 2021 meeting this matter was removed from the Urban Affairs Committee by a unanimous vote of the Council and referred to the Solicitor to be put in proper legal form.

Councilors-at-Large

Mark A. Oram
 Michael H. Ossing
 Samantha Perlman
 Kathleen D. Robey

**Ward Councilors**

Ward 1 – Laura J. Wagner
 Ward 2 – David Doucette
 Ward 3 – J. Christian Dumais
 Ward 4 – Robert J. Tunnera
 Ward 5 – John J. Irish
 Ward 6 – Sean A. Navin
 Ward 7 – Donald R. Landers, Sr.

Council President

Michael H. Ossing

Council Vice-President

Kathleen D. Robey

**CITY OF MARLBOROUGH
 CITY COUNCIL
 MEETING MINUTES
 MONDAY, NOVEMBER 8, 2021**

The regular meeting of the City Council was held on Monday, November 8, 2021 at 8:00 PM in City Council Chambers, City Hall. City Councilors Present: Ossing, Wagner, Doucette, Dumais, Tunnera, Irish, Navin, Landers, Oram, Perlman & Robey. Meeting adjourned at 8:49 PM.

Motion by Councilor Tunnera, seconded by the Chair to adopt the following:

ORDERED: That the Minutes of the City Council meeting, October 18, 2021, **FILE**; adopted.

Mayor Vigeant provided the City Council with an update on COVID-19 and city events.

That the **PUBLIC HEARING** on the Proposed Zoning Amendment to Chapter 650, requested by the Mayor, to extend the Housing Moratorium on the acceptance of any new multi-family housing projects through December 31, 2021, Order No 21-1008414, all were heard who wish to be heard, hearing closed at 8:23 PM, adopted.

Councilors Present: Wagner, Doucette, Dumais, Tunnera, Irish, Navin, Landers, Oram, Ossing, Perlman & Robey.

That the **PUBLIC HEARING** on the Application for Modification of Special Permit from Attorney Brian Falk, on behalf of Garden Remedies, Inc., requesting to update the signage at the Marlboro Square Retail Plaza, 416 Boston Post Road East, Order No 21-1008417, all were heard who wish to be heard, hearing closed at 8:26 PM, adopted.

Councilors Present: Wagner, Doucette, Dumais, Tunnera, Irish, Navin, Landers, Oram, Ossing, Perlman & Robey.

Motion by Councilor Robey, seconded by the Chair to adopt the following:

To remove from the Urban Affairs Committee, Order No. 21-1008417A, the Application for Modification of Special Permit for Garden Remedies, 416 Boston Post Road East – granted.

Motion by Councilor Robey, seconded by the Chair to adopt the following:

ORDERED: That the Application for Modification of Special Permit from Attorney Brian Falk, on behalf of Garden Remedies, Inc., requesting to update the signage at the Marlboro Square Retail Plaza, 416 Boston Post Road East, referred to the **CITY SOLICITOR TO BE PLACED IN PROPER LEGAL FORM FOR THE NOVEMBER 22, 2021 COUNCIL MEETING**; adopted.

Motion by Councilor Tunnera, seconded by the Chair to adopt the following:

ORDERED: That the Certification from Ward 4 Councilor Robert Tunnera as required under MGL Chapter 39 §23D (“Mullin Rule”), regarding the Application for Special Permit of Aubuchon Realty Company, Inc., for two drive-through facilities associated with a new Starbucks and a bank at the Wayside Crossing Plaza, 661 Boston Post Road East, Order No 21-1008395, **FILE**; adopted.

Motion by Councilor Irish, seconded by the Chair to adopt the following:

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the Gift Acceptance to the Council on Aging/Senior Center in the amount of \$675.00 from the Winske and Fitzpatrick families in memory of Paul Winske and Kay Fitzpatrick to be used for programming; adopted.

Motion by Councilor Irish, seconded by the Chair to adopt the following:

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the Gift Acceptance to the Conservation Commission in the amount of \$186.30 from Benjamin Rippy to be placed in the Conservation Maintenance Fund; adopted.

Motion by Councilor Irish, seconded by the Chair to adopt the following:

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the Grant Acceptance in the amount of \$250.00 from Keep Massachusetts Beautiful to the Conservation Commission to be used to install a Native Pollinator Preservation Garden at Ghiloni Park; adopted.

Motion by Councilor Irish, seconded by the Chair to adopt the following:

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the Grant Acceptance in the amount of \$10,000.00 from a Legislative earmark to be used for the purchase of defibrillators for the senior housing office, and other locations throughout the city; adopted.

Motion by Councilor Irish, seconded by the Chair to adopt the following:

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the Grant Acceptance in the amount of \$15,244.00 from the United States Department of Justice awarded to the Police Department to be used for upgrade and replacement of the department’s defibrillators; adopted.

Motion by Councilor Robey, seconded by the Chair to adopt the following:

ORDERED: That the Communication from Solicitor Jason Grossfield, re: Application for Special Permit from Attorney Christopher Flood, on behalf of Post Road Mobile Home Park and Sales, Inc., to create a second mobile home park by dividing an existing permitted mobile home park at 181 Boston Post Road East, in proper legal form, Order No. 21-1008354, **MOVED TO ITEM 17** and **FILE**; adopted.

Motion by Councilor Robey, seconded by the Chair to adopt the following:

ORDERED: That the Communication from Solicitor Jason Grossfield, re: Application for Special Permit from Attorney Brian Falk, on behalf of Aubuchon Realty Company, Inc., for two drive-through facilities associated with a new Starbucks and a bank at the Wayside Crossing Plaza, 661 Boston Post Road East, in proper legal form, Order No 21-1008395, **MOVED TO ITEM 18** and **FILE**; adopted.

Motion by Councilor Robey, seconded by the Chair to adopt the following:

ORDERED: Pursuant to Chapter 270 §2.E(8)(b) and its role as the Site Plan Review authority under the Marlborough Village District Zoning, Chapter 650 §34 of the Code of the City of Marlborough, the City Council hereby **APPROVES** the request of M & E Ventures Corporation to extend the time limit to complete the mixed-use project by one year, to February 10, 2023 as outlined by the Site Plan, dated November 5, 2018; adopted.

Motion by Councilor Robey, seconded by the Chair to adopt the following:

ORDERED: That there being no objection thereto set **MONDAY, DECEMBER 6, 2021** as **DATE FOR PUBLIC HEARING**, on the Application for Special Permit from Attorney Brian Falk, on behalf of J & D Landscape Contractors, to construct and operate both a contractor's yard and landscape contractor's yard at the Airport Industrial Park, 101 Airport Boulevard, Unit 12, referred to **URBAN AFFAIRS COMMITTEE & ADVERTISE**; adopted.

Motion by Councilor Doucette, seconded by the Chair to adopt the following:

ORDERED: That the Minutes of following Boards, Commissions and Committees, **FILE**; adopted.

- a) School Committee, October 12, 2021.
- b) Conservation Commission, October 7, 2021.
- c) Council on Aging, September 14, 2021.
- d) Planning Board, September 27, 2021 & October 4, 2021.
- e) Traffic Commission, July 28, 2021.

Motion by Councilor Doucette, seconded by the Chair to adopt the following:

ORDERED: That the following CLAIM, refer to the **LEGAL DEPARTMENT**; adopted.

- a) Engels Varela, 44 Central Street, #2, other property damage and/or personal injury.
- b) Cuiyan Zhang, 46 Barnard Road, residential mailbox claim (2a)

Reports of Committees:

Councilor Irish reported the following out of the Finance Committee:

**City Council Finance Committee
Report and Minutes
Monday – October 25, 2021**

This meeting convened at 7:15 PM in the City Council Chamber. Public attendance was permitted. The meeting was televised on WMCT-TV (Comcast Channel 8) or Verizon/Fios Channel 34) and available for viewing using the link under the Meeting Videos tab on the city's website, home page (www.marlborough-ma.gov).

Voting and non-voting members present: Chair Irish; Councilors Wagner, Doucette, Dumais, Perlman, Oram, Robey, Tunnera, Navin, Landers and Ossing. IT Director Mark Gibbs and Finance Director Patrick Jones addressed the transfer.

10-18-21 – Order No. 21-1008427: Communication from Mayor Vigeant with Transfer request in the amount of \$146,288.00 from PEG Funds to IT Equipment to fund the purchase of an electronic time system and equipment.

Reports of Committee Continued:

Chair Irish read the letter from the Mayor requesting the transfer for a long overdue, much needed update to an archaic system by integrating this new paperless, time tracking and employee scheduling system.

Per Mr. Gibbs, the payroll program will be tied into Munis, requiring an annual fee of \$22,000.00 in addition to the upfront cost of \$146,288.00.

Finance Director Jones stated the conversion process will be completed in steps, baby steps—starting with three small departments and then seamlessly bringing on other departments with the goal to simplify the payroll process for small and large departments. Departments with simple payroll will be rolled out first, with police and fire being converted next year.

Motion by Councilor Oram to recommend approval of the transfer of \$146,288.00 from PEG Funds to IT Equipment for the purchase of an electronic time system and equipment, seconded by Chair Irish and approved. Vote 5-0.

Motion by Councilor Perlman to adjourn; seconded by Chair and approved.

Meeting adjourned at 7:45 PM.

Councilor Dumais reported the following out of the Personnel Committee:

**City Council Public Services Committee
Report and Minutes
Monday – October 25, 2021**

This meeting convened at 6:45 PM in the City Council Chamber. Public attendance was permitted. The meeting was televised on WMCT-TV (Comcast Channel 8) and Verizon/Fios Channel 34) and available for viewing using the link under the Meeting Videos tab on the city's website, home page (www.marlborough-ma.gov).

Voting and non-voting members present: Chair Dumais; Councilors Doucette, Perlman, Robey, Irish, Navin, Landers, and Ossing. Councilor Wagner arrived at 6:50 PM. Councilors Oram and Tunnera arrived respectively at 7:00 and 7:05 PM. Appointees were present in the Chamber to be interviewed as noted.

- 1) **10-04-21 – Order No. 21-1008412:** Appointment of Donna Scalcione to the Council on Aging Board for a four-year term effective the date of Council confirmation.

Motion by Councilor Doucette to recommend approval of the appointment of Donna Scalcione, seconded by Chair Dumais and approved as submitted. Vote 3-0.

- 2) **10-04-21 – Order No. 21-1008413:** Appointment of Raymond Magee to the Council on Aging Board for a four-year term from the date of Council confirmation.

Motion by Councilor Doucette to recommend approval of the appointment of Raymond Magee, seconded by Chair Dumais and approved as submitted. Vote 3-0.

- 3) **10-18-21 – Order No. 21-1008428B:** Reappointment of Priscilla Ryder as Conservation Officer for a three-year term from date of Council confirmation. **Unable to attend – Postponed in Committee.**

Reports of Committee Continued:

- 4) **10-18-21 – Order No. 21-1008428A:** Reappointment of Mark Gibbs as Data Processing Director/Director of Information Technology for a three-year term from date of Council confirmation.

Motion by Councilor Doucette to recommend approval of the appointment of Mark Gibbs, seconded by Chair Dumais and approved as submitted. Vote 3-0.

- 5) **09-27-21 – Order No. 21-1008408:** Appointment of Christopher Firicano as City Collector/Asst. Director of Finance for a term to expire two years after the date of Council confirmation.

Motion by Councilor Doucette to recommend approval of the appointment of Christopher Firicano, seconded by Chair Dumais and approved as submitted. Vote 3-0.

Motion by Councilor Doucette to adjourn, seconded by Chair and approved.

Meeting adjourned at 7:07 PM.

Motion by Councilor Robey, seconded by the Chair to adopt the following:

ORDERED:

**DECISION ON A SPECIAL PERMIT
POST ROAD MOBILE HOME PARK AND SALES, INC.**

**DECISION ON A SPECIAL PERMIT
ORDER NO. 21-1008354C**

The City Council of the City of Marlborough hereby **GRANTS** the Application for a Special Permit to Post Road Mobile Home Park and Sales, Inc. (the “Applicant”) to create a mobile home park by dividing a currently permitted mobile home park into two separate parks at 181 Boston Post Road East, Marlborough, MA as provided in this Decision and subject to the following Findings of Fact and Conditions.

FINDINGS OF FACT

1. The Applicant, Post Road Mobile Home Park and Sales, Inc. is a Massachusetts corporation with an address of 181 Boston Post Road East, Marlborough, MA 01752.
2. The Applicant is the owner of the property located at 181 Boston Post Road East, Marlborough, MA being shown as Parcel 29 on Assessors Map 72, including the portion shown as “Lot 2” on the Plan referenced below (the “Site”).
3. In accordance with Article V, Section 650-17 and Section 650-18(A)(5), of the Zoning Ordinance of the City of Marlborough (the “Zoning Ordinance”), the Applicant proposes to create a mobile home park on the Site by dividing a currently permitted mobile home park into two separate parks with the new mobile home park retaining ten (10) permitted mobile home sites (the “Use”) as shown on the Plan referenced below.

4. The Applicant, by and through its counsel, filed with the City Clerk of the City of Marlborough an Application for a Special Permit (“Application”) for the proposed Use.
5. In connection with the Application, the Applicant submitted a certified list of abutters, filing fees, and a detailed site plan entitled “Post Road Mobile Homes & Sales Inc.” in Marlboro, Massachusetts, prepared by RJP Construction & Engineering, 21 Chapin St., Northborough, MA, dated May 10, 2021 (the “Plan”) attached hereto as “Attachment A.”
6. The Application was certified as complete by the Building Commissioner of the City of Marlborough, acting on behalf of the City Planner for the City of Marlborough, in accordance with the Rules and Regulations promulgated by the City Council for the issuance of a Special Permit.
7. The Site is located in the Business-B District.
8. The Site has an area of approximately 78,043 square feet as shown on Plan.
9. Pursuant to the Rules and Regulations of the City Council for the City of Marlborough and applicable statutes of the Commonwealth of Massachusetts, the City Council established a date for a public hearing on the Application and the City Clerk for the City of Marlborough caused notice of the same to advertised and determined that notice of the same was provided to abutters entitled thereto in accordance with applicable regulations and law.
10. The Marlborough City Council, pursuant to Massachusetts General Laws Chapter 40A, opened a public hearing on the Application on Monday, August 23, 2021. The hearing was closed on that date.
11. The Applicant, through its representatives, presented testimony at the public hearing detailing the Use.
12. At the public hearing, no members of the public spoke in opposition to the Use.

**BASED ON THE ABOVE, THE CITY COUNCIL MAKES THE FOLLOWING
FINDINGS AND TAKES THE FOLLOWING ACTIONS**

- A. The Applicant has complied with all Rules and Regulations promulgated by the Marlborough City Council as they pertain to special permit applications.
- B. The City Council finds that the proposed Use of the Site is an appropriate use and in harmony with the general purpose and intent of the Zoning Ordinance of the City of Marlborough when subject to the appropriate terms and conditions as provided herein. The City Council makes these findings subject to the completion and adherence by the Applicant, its successors and/or assigns to the conditions more fully set forth herein.
- C. The City Council, pursuant to its authority under Massachusetts General Laws Chapter 40A and the Zoning Ordinance of the City of Marlborough hereby **GRANTS** the Applicant a Special Permit to create a mobile home park by dividing a currently permitted mobile home park into two separate parks, **SUBJECT TO THE FOLLOWING CONDITIONS**, which conditions shall be binding on the Applicant, its successors and/or assigns:

1. Compliance with Applicable Laws. The Applicant, its successors and/or assigns agrees to comply with all municipal, state, and federal rules, regulations, and ordinances as they may apply to the construction, maintenance, and operation of the Use.
2. Site Plan Review. The issuance of the Special Permit is further subject to detailed Site Plan Review by the Site Plan Review Committee, in accordance with the City of Marlborough Zoning Ordinance and Site Plan Review Ordinance prior to undertaking the Use. Any additional changes, alterations, modifications or amendments, as required during the process of Site Plan Review, shall be further conditions of this Special Permit. Subsequent Site Plan Review shall be consistent with the conditions of this Special Permit and the Plan submitted, reviewed and approved by the City Council as the Special Permit Granting Authority.
3. Incorporation of Submissions. All plans, photo renderings, site evaluations, briefs and other documentation provided by the Applicant as part of the Application, and as amended or revised during the application/hearing process before the City Council and/or the City Council’s Urban Affairs Committee, are herein incorporated into and become a part of this Special Permit and become conditions and requirements of the same, unless otherwise altered by the City Council.
4. Recording of Decision. In accordance with the provisions of Massachusetts General Laws, Chapter 40A, Section 11, the Applicant, its successors and/or assigns, at its expense shall record this Special Permit in the Middlesex South Registry of Deeds after the City Clerk has certified that the twenty-day period for appealing this Special Permit has elapsed with no appeal having been filed, and before the Applicant has applied to the Building Commissioner for a building permit. Upon recording, the Applicant shall forthwith provide a copy of the recorded Special Permit to the City Council’s office, the Building Department, and the City Solicitor’s office.

Yea: 11 – Nay: 0

Yea: Wagner, Doucette, Dumais, Tunnera, Irish, Navin, Landers, Oram, Ossing, Perlman, & Robey.

Motion by Councilor Robey, seconded by the Chair to adopt the following:

ORDERED:

**DECISION ON A SPECIAL PERMIT
AUBUCHON REALTY COMPANY, INC.**

**DECISION ON A SPECIAL PERMIT
ORDER NO. 21-1008395E**

The City Council of the City of Marlborough hereby **GRANTS** the Application for a Special Permit to Aubuchon Realty Company, Inc. (the “Applicant”) to build and operate a drive-thru facility for a bank, a drive-thru facility for a coffee shop restaurant, and a walk up window for a coffee shop restaurant, and to modify a preexisting nonconforming use as a dry cleaner by adding said uses (the “Use”) at 661 Boston Post Road East, in the Wayside Zoning District, as provided in this Decision and subject to the following Findings of Fact and Conditions.

FINDINGS OF FACT

1. The Applicant, Aubuchon Realty Company, Inc., is a Massachusetts corporation with an address of 73 Junction Square Drive, Concord, MA 01742.

2. The Applicant is the owner of the property located at 661 Boston Post Road East, Marlborough, Massachusetts, being shown as Parcel 27A on Assessors Map 61 (the "Site").
3. In accordance with Article IV, Section 650-12.B, Article V, Section 650-14.B(2), Section 650-17, Section 650-18(A)(31), and Section 650-37 of the Zoning Ordinance of the City of Marlborough (the "Zoning Ordinance"), the Applicant seeks approval for the Use at the Site, as shown on the Plans referenced in paragraph 5 below.
4. The Applicant, by and through its counsel, filed with City Clerk of the City of Marlborough an Application for a Special Permit ("Application") for the Use.
5. In connection with the Application, the Applicant submitted a certified list of abutters, filing fees, and a site plan entitled "Proposed Site Plan Documents" by Bohler Engineering, with the last revision date of September 29, 2021, (the "Plans") attached hereto as "Attachment A."
6. The Application was certified as complete by the Building Commissioner of the City of Marlborough, acting on behalf of the City Planner for the City of Marlborough, in accordance with the Rules and Regulations promulgated by the City Council for the issuance of a Special Permit.
7. The Site is located in the Wayside Zoning District.
8. The Site has an area of 91,824 square feet +/- as shown on the Plans.
9. Pursuant to the Rules and Regulations of the City Council for the City of Marlborough and applicable statutes of the Commonwealth of Massachusetts, the City Council established a date for a public hearing on the Application and the City Clerk for the City of Marlborough caused notice of the same to be advertised and determined that notice of the same was provided to abutters entitled thereto in accordance with applicable regulations and law.
10. The Marlborough City Council, pursuant to Massachusetts General Laws Chapter 40A, opened a public hearing on the Application on Monday, October 4, 2021. The public hearing was held at the Marlborough City Hall, 140 Main Street. The hearing was closed on October 4, 2021.
11. The Applicant, through its representatives, presented testimony at the public hearing detailing the Use, describing its impact upon municipal services, the neighborhood, and traffic.
12. At the public hearing, no members of the public spoke in opposition to the Use.
13. Councilor(s) were absent from the single session of the public hearing on the Application. Prior to the vote on this decision, Councilor(s) filed a written certification as to examination of all the evidence and testimony received at the hearing session as set forth in "Attachment B" hereto, made as part of the record of the hearing, in accordance with Massachusetts General Laws Chapter 39, Section 23D.

**BASED ON THE ABOVE, THE CITY COUNCIL MAKES THE FOLLOWING
FINDINGS AND TAKES THE FOLLOWING ACTIONS**

- A. The Applicant has complied with all Rules and Regulations promulgated by the Marlborough City Council as they pertain to special permit applications.

- B. The City Council finds that the proposed Use of the Site is an appropriate use and in harmony with the general purpose and intent of the Zoning Ordinance of the City of Marlborough when subject to the appropriate terms and conditions as provided herein. The City Council makes these findings subject to the completion and adherence by the Applicant, its successors and/or assigns to the conditions more fully set forth herein.
- C. The City Council finds that the alteration of the Site with respect to the preexisting nonconforming dry cleaner use would not be substantially more detrimental to the neighborhood than the existing nonconforming use.
- D. The City Council, pursuant to its authority under Massachusetts General Laws Chapter 40A and the Zoning Ordinance of the City of Marlborough hereby **GRANTS** the Applicant a Special Permit to build and operate a drive-thru facility for a bank, a drive-thru facility for a coffee shop restaurant, and a walk up window for a coffee shop restaurant, and to modify a preexisting nonconforming use as a dry cleaner by adding said uses at 661 Boston Post Road East, as shown on the Plans filed, **SUBJECT TO THE FOLLOWING CONDITIONS**, which conditions shall be binding on the Applicant, its successors and/or assigns:
1. Construction in Accordance with Applicable Laws. Construction of all structures on the Site is to be in accordance with all applicable Building Codes and Zoning Regulations in effect in the City of Marlborough and the Commonwealth of Massachusetts and shall be built according to the Plans as may be amended during Site Plan Review.
 2. Site Plan Review. The issuance of the Special Permit is further subject to detailed Site Plan Review by the City Council, in accordance with the City of Marlborough Site Plan Review Ordinance prior to the issuance of the building permit. Any additional changes, alterations, modifications or amendments, as required during the process of Site Plan Review, shall be further conditions attached to the building permit, and no occupancy permit shall be issued until the Applicant has complied with all conditions. Subsequent Site Plan Review shall be consistent with the conditions of this Special Permit and the Plans submitted, reviewed and approved by the City Council as the Special Permit Granting Authority.
 3. Modification of Plans. Notwithstanding conditions #1 and #2 above, the City Council may approve engineering changes to the Plans, so long as said changes do not change the Use as approved herein, or materially increase the impervious area of the Use, reduce the green area, alter traffic flow, or increase the size of the building, all as shown on the Plans.
 4. Incorporation of Submissions. All plans, photo renderings, site evaluations, briefs and other documentation provided by the Applicant as part of the Application, and as amended or revised during the application/hearing process before the City Council and/or the City Council's Urban Affairs Committee, are herein incorporated into and become a part of this Special Permit and become conditions and requirements of the same, unless otherwise altered by the City Council.

5. Storm Water and Erosion Control Management. The Applicant, its successors and/or assigns, shall ensure that its site superintendent during construction of the project is competent in stormwater and erosion control management. This individual(s)' credentials shall be acceptable to the Engineering Division of the City's Department of Public Works and the City's Conservation Commission. This individual(s) shall be responsible for checking the Site before, during, and after storm events including weekends and evenings when storms are predicted. This individual(s) shall ensure that no untreated stormwater leaves the Site consistent with the State's and the City's stormwater regulations. This individual(s) shall ensure compliance with the approved sequence of construction plan and the approved erosion control plan. The Applicant, its successors and/or assigns, shall grant this individual(s) complete authority of the Site as it relates to stormwater and erosion controls.
6. Noise. The drive-thru facilities shall use high-quality speaker systems that minimize noise and comply with the noise ordinance of the City of Marlborough. The drive-thru audio speakers shall not produce noise at the property line greater than that which would be allowed at the property line in a residential zoning district in accordance with the noise ordinance of the City of Marlborough.
7. Lighting. Exterior lighting at the Site shall be downward facing and shielded to minimize impacts on neighboring properties. Exterior lighting at the Site shall be shut off outside of operating hours, except for lighting necessary for security and emergency access.
8. Traffic Flow. The Applicant, its successors and/or assigns, shall install and maintain signage that directs drivers exiting the Site to use the signalized intersection at DiCenzo Boulevard and Boston Post Road East for purposes of traveling west. The Applicant, its successors and/or assigns, shall also install and maintain signage at the east end of the Site, such that it is visible from the DiCenzo Boulevard / Boston Post Road East intersection, that directs drivers headed west on Boston Post Road East to use DiCenzo Boulevard to access the Site's drive-thru facilities, in order to reduce illegal left-turns into the current Target driveway to the west of the Site.
9. Compliance with Applicable Laws. The Applicant, its successors and/or assigns agrees to comply with all municipal, state, and federal rules, regulations, and ordinances as they may apply to the construction, maintenance, and operation of the Use.
10. Recording of Decision. In accordance with the provisions of Massachusetts General Laws, Chapter 40A, Section 11, the Applicant, its successors and/or assigns, at its expense shall record this Special Permit in the Middlesex South Registry of Deeds after the City Clerk has certified that the twenty-day period for appealing this Special Permit has elapsed with no appeal having been filed, and before the Applicant has applied to the Building Commissioner for a building permit. Upon recording, the Applicant shall forthwith provide a copy of the recorded Special Permit to the City Council's office, the Building Department, and the City Solicitor's office.

Yea: 11 – Nay: 0

Yea: Wagner, Doucette, Dumais, Tunnera, Irish, Navin, Landers, Oram, Ossing, Perlman, & Robey.

Motion by Councilor Tunnera, seconded by the Chair to adopt the following:

ORDERED There being no further business, the regular meeting of the City Council is herewith adjourned at 8:49 PM; adopted.



City of Marlborough Office of the City Council

140 Main Street
Marlborough, Massachusetts 01752
Tel. (508) 460-3711 Fax (508) 460-3710 TDD (508) 460-3610
Email citycouncil@marlborough-ma.gov

RECEIVED
CITY CLERK *Michael H. Ossing*
CITY OF MARLBOROUGH
PRESIDENT
NOV 17
VICE-PRESIDENT

Karen A. Boule
CITY COUNCIL SECRETARY

November 15, 2021

Marlborough City Council
City Hall
Marlborough, MA 01752

Reference: OPEB Board of Trustees Appointment

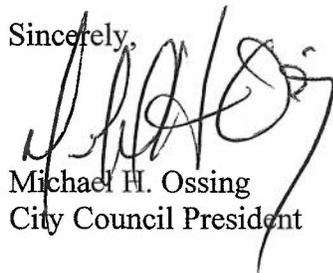
Dear Councilors:

In accordance with City Council Order 13-1005335C, I am reappointing Michael Ossing as a member of the OPEB Board of Trustees.

As you may recall, this will be the third appointment after first being appointed by former President Pope and then President Clancy. Councilor Ossing's efforts to safeguard the finances of the City and oversee OPEB during the period when there was no treasurer in 2020 highlights his commitment to ensure the OPEB Trust will continue to be funded to address the City's financial obligation.

I would entertain a motion to accept and place on file the reappointment of Councilor Ossing to the OPEB Board of Trustees for two years.

Sincerely,



Michael H. Ossing
City Council President



City of Marlborough
Office of the Mayor

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
Arthur G. Vigeant
MAYOR

2021 NOV 18 A 11:40
Patricia M. Bernard
EXECUTIVE AIDE

140 Main Street
Marlborough, Massachusetts 01752
508.460.3770 Fax 508.460.3698 TDD 508.460.3610
www.marlborough-ma.gov

Ryan P. Egan
EXECUTIVE SECRETARY

November 18, 2021

Council President Ossing
Marlborough City Council
140 Main Street
Marlborough, MA 01752

RE: Transfer request – meals tax revenue account

Honorable President Ossing and Councilors:

Enclosed for your approval is a transfer request in the amount of \$1,204,784.00 from the Meals Tax Revenue account to fund FY22 bond payments associated with parks and recreation improvements.

Thank you in advance for your cooperation.

Sincerely,

Arthur G. Vigeant
Mayor

Enclosures

| | FY22 REVENUE PROJECTIONS | | | | | | |
|------------------------|--------------------------|------------------|------------------|------------------|------------------|-------------------------|--|
| | FY 18 Actual | FY 19 Actual | FY 20 Actual | FY 21 Projection | FY 22 Projection | | |
| MOTOR VECH | \$ 5,605,522.00 | \$ 5,639,562.00 | \$ 5,338,332.00 | \$ 5,300,000.00 | \$ 5,300,000.00 | Estimate | |
| OTHER EXCISE - Meals | \$ 398,500.00 | \$ 388,000.00 | \$ 366,493.00 | \$ 1,250,101.00 | \$ 1,204,784.00 | Estimate | |
| OTHER EXCISE - Room | \$ 1,772,605.00 | \$ 1,835,704.00 | \$ 1,555,151.00 | \$ 500,000.00 | \$ 500,000.00 | Estimate | |
| OTHER EXCISE - Other | \$ 52,780.00 | \$ 49,100.00 | \$ 47,500.00 | \$ 47,000.00 | \$ 47,000.00 | Estimate | |
| CANNABIS | | | \$ 354,565.00 | \$ 400,000.00 | \$ 400,000.00 | Estimate | |
| PENALTIES & INTEREST | \$ 561,424.00 | \$ 616,490.00 | \$ 529,766.00 | \$ 500,000.00 | \$ 500,000.00 | Estimate | |
| LIEU OF TAXES | \$ 254,195.00 | \$ 316,701.00 | \$ 211,880.00 | \$ 200,000.00 | \$ 200,000.00 | Estimate | |
| CHARGES WATER | \$ 11,900,534.00 | \$ 11,326,797.00 | \$ 11,214,452.00 | \$ 11,606,958.00 | \$ 11,606,958.00 | 0% Rate Change | |
| CHARGES FOR SEWER | \$ 10,267,909.00 | \$ 10,311,747.00 | \$ 10,285,522.00 | \$ 10,774,084.00 | \$ 10,774,084.00 | 0% Rate Change | |
| FEES | \$ 357,729.00 | \$ 347,163.00 | \$ 138,076.00 | \$ 135,000.00 | \$ 135,000.00 | Estimate | |
| RENTAL | \$ 279,389.00 | \$ 291,501.00 | \$ 286,917.00 | \$ 279,900.00 | \$ 279,900.00 | Estimate | |
| DEPT REV. LIBRARIES | \$ 2,462.00 | \$ 4,684.00 | \$ 2,579.00 | \$ 400.00 | \$ 400.00 | Estimate | |
| DEPT REV. CEMETERIES | \$ 68,080.00 | \$ 72,790.00 | \$ 80,000.00 | \$ 72,000.00 | \$ 72,000.00 | Estimate | |
| OTHER DEPT REV | \$ 150,588.00 | \$ 129,826.00 | \$ 155,344.00 | \$ 138,200.00 | \$ 138,200.00 | Estimate | |
| LICENSES AND PERMITS | \$ 1,343,207.00 | \$ 1,298,260.00 | \$ 2,073,494.00 | \$ 1,540,000.00 | \$ 1,540,000.00 | Estimate | |
| FINE AND FORFEITS | \$ 148,482.00 | \$ 135,725.00 | \$ 165,835.00 | \$ 135,000.00 | \$ 135,000.00 | Estimate | |
| INVESTMENT INCOME | \$ 874,859.00 | \$ 1,311,950.00 | \$ 870,984.00 | \$ 750,000.00 | \$ 750,000.00 | Estimate | |
| MISC. REV. | \$ 62,095.00 | \$ 43,329.00 | \$ 107,907.00 | \$ 40,000.00 | \$ 40,000.00 | Estimate | |
| Medicaid Reimbursement | \$ 585,488.00 | \$ 452,664.00 | \$ 297,785.00 | \$ 295,000.00 | \$ 295,000.00 | Estimate | |
| MISC REV NON RECURRING | \$ 520,958.00 | \$ 927,881.00 | \$ 1,073,285.00 | \$ 405,000.00 | \$ 405,000.00 | Estimate | |
| SUB TOTAL Local Rcpt | \$ 35,206,806.00 | \$ 35,499,874.00 | \$ 35,155,867.00 | \$ 34,368,643.00 | \$ 34,323,326.00 | | |
| School Construction | \$ 170,309.00 | \$ 170,309.00 | \$ 170,309.00 | \$ 170,309.00 | \$ - | | |
| CHERRY SHEET | \$ 31,654,072.00 | \$ 34,243,957.45 | \$ 35,452,790.00 | \$ 37,688,627.00 | \$ 38,206,654.00 | Using Governor's Budget | |
| TOTAL | \$ 67,031,187.00 | \$ 69,914,140.45 | \$ 70,778,966.00 | \$ 72,227,579.00 | \$ 72,529,980.00 | | |

LOCAL OPTION MEALS TAX

| | | |
|--------------------------------|------------------------|---------------|
| 6/30/2014 State Aid | \$60,975.10 | May |
| 9/30/2014 State Aid | \$198,618.41 | Jun, Jul, Aug |
| 12/31/2014 State Aid | \$202,214.11 | |
| 3/31/2015 State Aid | \$197,399.16 | |
| 6/30/2015 State Aid | \$197,114.57 | |
| 9/30/2015 State Aid | \$223,086.95 | |
| 12/31/2015 State Aid | \$218,283.51 | |
| 3/31/2016 State Aid | \$221,714.03 | |
| 6/30/2016 State Aid | \$214,435.84 | |
| 9/30/2016 State Aid | \$232,554.39 | |
| 12/31/2016 State Aid | \$225,517.35 | |
| 3/31/2017 State Aid | \$218,918.28 | |
| 6/30/2017 State Aid | \$226,968.72 | |
| 9/30/2017 State Aid | \$237,499.87 | |
| 12/31/2017 State Aid | \$235,562.25 | |
| 3/31/2018 State Aid | \$231,462.05 | |
| 6/30/2018 State Aid | \$264,487.50 | |
| 9/28/2018 State Aid | \$266,737.22 | |
| 12/31/2018 State Aid | \$266,346.66 | |
| 3/26/2019 State Aid | \$280,759.99 | |
| 6/30/2019 State Aid | \$268,415.21 | |
| 9/30/2019 State Aid | \$283,443.19 | |
| 12/31/2019 State Aid | \$283,140.81 | |
| 3/31/2020 State Aid | \$279,689.96 | |
| 6/30/2020 State Aid | \$140,167.25 | |
| 9/30/2020 State Aid | \$184,164.09 | |
| 12/31/2020 State Aid | \$202,839.47 | |
| 3/31/2021 State Aid | \$182,592.96 | |
| 6/30/2021 State Aid | \$246,677.30 | |
| 9/30/2021 State Aid | \$295,301.72 | |
| Total Funding | <u>\$6,787,087.92</u> | |
| 10/6/2014 CO# 14-1005915 | -\$34,000.00 | |
| 6/20/2016 CO# 16-1006570A | -\$62,400.00 | |
| 6/4/2018 CO# 18-1007278A | -\$398,500.00 | |
| 6/17/2019 CO# 19-1007683A | -\$388,000.00 | |
| 5/18/2020 CO# 20-1008003 | -\$366,493.00 | |
| 3/22/2021 CO# 21-1008206A | -\$3,000,000.00 | |
| 3/22/2021 CO# 21-1008207A | -\$1,250,101.00 | |
| Total Transfers | <u>-\$5,499,494.00</u> | |
| Available for future transfers | \$1,287,593.92 | |

City of Marlborough, Massachusetts

Actual/Authorized/Proposed Debt Service

Actual Debt Service as of June 30, 2020

| <u>Date of Issue</u> | <u>Purpose</u> | <u>Type of Payment</u> | <u>2022</u> | <u>2023</u> | <u>2024</u> |
|----------------------|---|------------------------|--------------|--------------|--------------|
| 6/16/2016 | Outdoor Recreational Facilities 1 (I) | Principal | 40,000.00 | 40,000.00 | 40,000.00 |
| | | Interest | 10,643.76 | 9,043.76 | 7,443.76 |
| 6/16/2016 | Outdoor Recreational Facilities 2A (I) | Principal | 155,000.00 | 155,000.00 | 155,000.00 |
| | | Interest | 43,187.50 | 36,987.50 | 30,787.50 |
| 6/16/2016 | Outdoor Recreational Facilities 2B (I) | Principal | 70,000.00 | 70,000.00 | 70,000.00 |
| | | Interest | 21,262.50 | 18,462.50 | 15,662.50 |
| 6/15/2017 | Outdoor Recreational Facilities II (I) | Principal | 45,000.00 | 40,000.00 | 40,000.00 |
| | | Interest | 17,450.00 | 15,200.00 | 13,200.00 |
| 6/15/2017 | Whitcomb MS Field Improvements (I) | Principal | 200,000.00 | 200,000.00 | 200,000.00 |
| | | Interest | 85,100.00 | 75,100.00 | 65,100.00 |
| 6/14/2018 | Recreational Fields Improvements (I) | Principal | 285,000.00 | 285,000.00 | 285,000.00 |
| | | Interest | 145,350.00 | 131,100.00 | 116,850.00 |
| 6/14/2018 | Whitcomb Middle School Field Improvements (I) | Principal | 55,000.00 | 55,000.00 | 55,000.00 |
| | | Interest | 26,750.00 | 24,000.00 | 21,250.00 |
| 6/2/2020 | Cur Ref 08 Park Construction (I) | Principal | 4,800.00 | - | - |
| | | Interest | 240.00 | - | - |
| | Totals | | 1,204,783.76 | 1,154,893.76 | 1,115,293.76 |



City of Marlborough
Office of the Mayor

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
Arthur G. Vigeant
MAYOR

2021 NOV 18 A 11:40
Patricia M. Bernard
EXECUTIVE AIDE

140 Main Street
Marlborough, Massachusetts 01752
508.460.3770 Fax 508.460.3698 TDD 508.460.3610
www.marlborough-ma.gov

Ryan P. Egan
EXECUTIVE SECRETARY

November 18, 2021

Council President Ossing
Marlborough City Council
140 Main Street
Marlborough, MA 01752

RE: Proposed Ordinance change for water/sewer entrance fees

Honorable President Ossing and Councilors:

Enclosed for your review and approval is an amended draft ordinance to Ch. 608, Sec. 11, and Ch. 510 Sec. 4 to adjust water entrance fees and building sewer connection fees based on significant demand on the water and sewer systems.

As outlined in City Engineer Tom DiPersio's memo, there is a current trend toward bio-manufacturing that will put a demand on our water and sewer systems. This proposed increase of fees will be held in the Water and Sewer Revolving Fund to be expended for future mitigation for necessary improvements, upgrades, and maintenance due to new customers.

Commissioner Sean Divoll and City Engineer Tom DiPersio will be available to answer any questions at a future meeting.

Thank you in advance for your cooperation.

Sincerely,

Arthur G. Vigeant
Mayor

Enclosures



City of Marlborough
Department of Public Works

135 NEIL STREET
 MARLBOROUGH, MASSACHUSETTS 01752
 TEL. 508- 624-6910
 *TDD 508-460-3610

SEAN M. DIVOLL, P.E.
 COMMISSIONER

Date: November 16, 2021

To: Mayor Vigeant

From: Thomas DiPersio, Jr., City Engineer

Copy: Sean Divoll, DPW Commissioner
 Chris LaFreniere, Assistant Commissioner-Utilities

Re: Proposed Amendments to Entrance Fee Ordinance

The DPW is requesting that the City Council consider amendments to the City Code related to water and sewer entrance fees. The proposed amendments are meant to increase the fees for certain uses which are expected to contribute significant demand on the water and sewer systems. The proposed amendments are attached.

The City's current entrance fee ordinance sets a varying fee structure, which is based on the size of the water connection (and therefore the amount of demand on the water and sewer systems). The ordinance also includes an additional "per-unit" fee for multi-family residential projects, as residential use is typically the most demanding of water.

There is currently a trend toward "bio-manufacturing" in new development projects. There are several such projects being proposed in the City. This type of manufacturing can use much more water than traditional office or other types of manufacturing, and can be as demanding as multi-family residential on a per-square-foot of building footprint (p.s.f.b.) basis.

The proposed amendment to the entrance fee ordinance would add an additional "significant user" fee for new bio-manufacturing buildings, to bring the fees in line with the fees paid for multi-family residential projects on a p.s.f.b. basis. The proposed new significant user fees are \$1.00 p.s.f.b. for water and \$1.67 p.s.f.b. for sewer (total \$2.67 p.s.f.b.). For comparison, the per-unit entrance fees paid for three recent residential projects were: "Avalon II", \$123,000; "Talia", \$225,000; and "Green District Phase 1", \$235,000. Based on the area of buildings on each project the fees were: \$1.56 p.s.f.b.; \$3.20 p.s.f.b.; and \$4.58 p.s.f.b. respectively.

The new fees would also be in the range of entrance and infiltration & inflow fees charged by other area municipalities.

Entrance fees are deposited to the Water and Sewer Revolving Fund, which is used to perform infrastructure projects which will mitigate the demand of new user connections, such as the construction of larger water mains or the removal of infiltration from the sewer system. The new fees would ensure sufficient funding to allow the City to continue to welcome these new bio-manufacturing projects.

Please contact me with any questions.

ORDERED:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH THAT THE CITY CODE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED AS FOLLOWS:

I. By amending Chapter 608 (“Water”), Section 608-11 (“Entrance Fees”) by **inserting a new A(2)(c)** to read as follows:

(c) Entrance fee for non-residential use with demonstrated or expected significant flows (greater than 5,000 gallons per day), or for buildings designed for uses with expected significant flows such as Good Manufacturing Practice (GMP) Buildings, shall also be subject to an additional fee of \$1.00 per square foot of building area.

II. By **amending** Section 608-11(B)(3) to read as follows (new text shown as underlined):

Commercial or industrial subdivision or development. The entrance fee shall be \$3,000 for each connection of the secondary or branch mains or mains to the City main, plus the nonresidential entrance fee listed in § 608-11A for each service connected to the branch or secondary main, and, if applicable, the significant flow fee listed in §608-11(A)(2)(c).

III. By amending Chapter 510 (“Sewer”), Section 510-4 (“Building Sewer Connections”) by **inserting a new A(1)(c)[3]** to read as follows:

Entrance fee for non-residential use with demonstrated or expected significant flows (greater than 5,000 gallons per day), or for buildings designed for uses with expected significant flows such as Good Manufacturing Practice (GMP) Buildings, shall also be subject to an additional fee of \$1.67 per square foot of building area.

IV. By **amending** Section 510-4(A)(6)(c) to read as follows (new text shown as underlined):

(c) Commercial or industrial subdivision or development. The entrance fee shall be \$5,000 for each connection of the secondary or branch main or mains to the City main, plus the nonresidential entrance fee listed in Subsection A(1)(c) for each service connected to the branch or secondary main, and, if applicable, the significant flow fee listed in §510-4(A)(1)(c)[3].

V. **Effective Date.** These amendments shall take effect upon passage, and shall apply to connections for nonresidential uses that have not received a building permit as of the effective date of these amendments.

ADOPTED

In City Council
Order No. 21-
Adopted

Approved by Mayor
Arthur G. Vigeant
Date:

A TRUE COPY
ATTEST:



RECEIVED
CITY CLERK'S OFFICE
OF MARLBOROUGH
2021 NOV 18 A 11:40

City of Marlborough
Office of the Mayor

Arthur G. Vigeant
MAYOR

Patricia M. Bernard
EXECUTIVE AIDE

Ryan P. Egan
EXECUTIVE SECRETARY

140 Main Street
Marlborough, Massachusetts 01752
508.460.3770 Fax 508.460.3698 TDD 508.460.3610
www.marlborough-ma.gov

November 18, 2021

Council President Ossing
Marlborough City Council
140 Main Street
Marlborough, MA 01752

RE: Proposed amended zoning ordinance to Ch. 650 Marijuana

Honorable President Ossing and Councilors:

Enclosed for your review and approval is a proposed draft amendment to the zoning ordinance relative to Ch. 650, regulation of marijuana uses incorporating all of the recent state regulatory amendments by the Cannabis Control Commission including various new uses and their definitions.

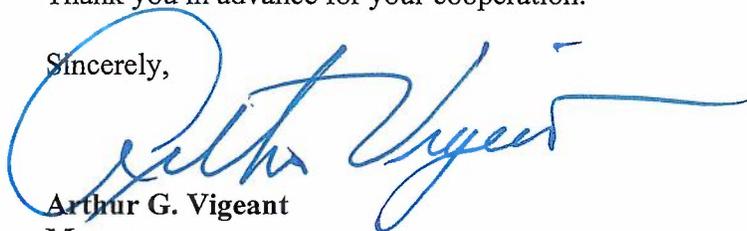
These amendments also address lifting of all caps on the number of establishments to eliminate a potential saleable commodity. This proposed amendment is simply to stop the value increase due to limited supply. It does not change any zones for existing uses, and establishments such as retailers will continue to have to meet state and local requirements for appropriate siting.

Secondly, it will allow the potential for new laboratories to come to Marlborough. We have an interested party, but our current zoning ordinance will not allow it.

I request the City Council initiate the zoning amendment process to review these amendments and look forward to discussing these proposed changes and further explanation on delivery will be shared at a future meeting.

Thank you in advance for your cooperation.

Sincerely,


Arthur G. Vigeant
Mayor

Enclosures

ORDERED:

THAT, PURSUANT TO § 5 OF CHAPTER 40A OF THE GENERAL LAWS, THE CITY COUNCIL OF THE CITY OF MARLBOROUGH, HAVING SUBMITTED FOR ITS OWN CONSIDERATION CHANGES IN THE ZONING ORDINANCE OF THE CITY OF MARLBOROUGH AS AMENDED, TO FURTHER AMEND CHAPTER 650, NOW ORDAINS THAT THE ZONING ORDINANCE OF THE CITY OF MARLBOROUGH, AS AMENDED BE FURTHER AMENDED BY ADDING THERETO AS FOLLOWS:

I. Section 650-17, entitled “Table of Uses” is hereby amended as follows (new text shown as underlined, deleted text shown as ~~strikethrough~~):

| | RR | A-1 | A-2 | A-3 | RB | RC | RCR | NB | B | CA | LI | I | MV | <u>WAYSIDE</u> |
|---|----|-----|-----|-----|----|----|----------|----------|---|----|----|----|----|----------------|
| Medical and/or adult use marijuana cultivator, independent testing laboratory, product manufacturer, or transporter (47) <u>craft marijuana cooperative, marijuana microbusiness, marijuana courier, marijuana delivery operator, marijuana research facility, or transporter (47)</u> | N | N | N | N | N | N | <u>N</u> | <u>N</u> | N | N | SP | SP | N | <u>N</u> |

II. Section 650-18, entitled “Conditions for Uses,” is hereby amended as follows (new text shown as underlined, deleted text shown as ~~strikethrough~~):

(47) Medical and/or adult use marijuana cultivator, independent testing laboratory, product manufacturer, ~~craft marijuana cooperative, marijuana microbusiness, marijuana courier, marijuana delivery operator, marijuana research facility,~~ craft marijuana cooperative, marijuana microbusiness, marijuana courier, marijuana delivery operator, marijuana research facility, or transporter:

(a) Shall only be located within those portions of the I and LI Districts located west of Interstate Highway Route 495;

~~(b) Shall be limited in number to one of each type (cultivator, independent testing laboratory, product manufacturer or transporter), but in no event fewer than the number of medical marijuana treatment centers registered to engage in the same type of activity in the City of Marlborough;~~

~~(e)~~(b) Shall be subject to the provisions of state law and of § 650-32, including but not limited to a special permit from the City Council (the special permit granting authority);

(~~ec~~) All aspects of a medical and/or adult use marijuana cultivator, independent testing laboratory, product manufacturer, craft marijuana cooperative, marijuana microbusiness, marijuana courier, marijuana delivery operator, marijuana research facility, or transporter concerning marijuana or products containing marijuana, related supplies or educational materials must take place in a fixed location within a fully enclosed building, with the exception of the actual transport of marijuana, marijuana products and related supplies, and shall not be visible from the exterior of the building; and

(~~ed~~) No outside storage or display of marijuana, related supplies, equipment, or educational materials is permitted.

III. The following portions of Section 650-32 are hereby amended as follows (new text shown as underlined, deleted text shown as ~~strikethrough~~):

§ 650-32. Medical and Adult Use Marijuana ~~marijuana treatment centers; adult use marijuana retail; marijuana accessories retail; medical and/or adult use marijuana cultivator; independent testing laboratory product manufacturer or transporter.~~

A. Medical marijuana treatment centers. Subject to the provisions of this Zoning Ordinance, Chapter 40A of the Massachusetts General Laws, Chapter 94I of the Massachusetts General Laws, and ~~105 CMR 725.000~~935 CMR 501.101, all as amended, the City of Marlborough Zoning Ordinance will not prohibit the location of a center for medical marijuana treatment within the City of Marlborough, but will instead regulate such centers. A medical marijuana treatment center should provide medical support, security, oversight by a physician, and standards that meet or exceed said regulations~~105 CMR 725.000~~. These centers should not compete to provide streamlined care to patients and should not provide a location for patients to wait for treatment in the vicinity of children. Therefore, to ensure that these centers are located in such a way as to not pose a direct threat to the health or safety of either qualifying patients or the public at large, the provisions of this section will apply to all such centers.

(A.2) Medical and/or adult use marijuana cultivator, independent testing laboratory, product manufacturer ~~or transporter,~~ craft marijuana cooperative, marijuana microbusiness, marijuana courier, marijuana delivery operator, marijuana research facility, or transporter. Subject to the provisions of this Zoning Ordinance, Chapter 40A of the Massachusetts General Laws, Chapter 94I of the Massachusetts General Laws, Chapter 94G of the Massachusetts General Laws, ~~105 CMR 725.000, 935 CMR 500.000~~regulations promulgated pursuant to said general laws, and the ordinances and regulations of the City of Marlborough, its boards and commissions, all as amended, the City of Marlborough Zoning Ordinance will not prohibit the location of craft marijuana cooperatives, cultivators, microbusinesses, independent testing laboratories, product manufacturers, ~~or marijuana~~ transporters, marijuana courier, marijuana delivery operator, or

marijuana research facilities for the purposes of medical marijuana or adult use marijuana, within the City of Marlborough, but will instead regulate such businesses. To ensure that these businesses are located in such a way as to not pose a direct threat to the health or safety of children and other vulnerable populations, the provisions of this section will apply to all such businesses.

B. In the interpretation of this chapter, the meanings of words and phrases shall be according to the definitions included in this § 650-32 of the Code of the City of Marlborough, entitled "medical marijuana treatment centers," Chapter 94I of the Massachusetts General Laws, Chapter 94G of the Massachusetts General Laws, and regulations promulgated pursuant to said general laws Chapter 334 of the Acts of 2016, as amended by Chapter 55 of the Acts of 2017, 105 CMR 725.000, MGL c. 94G and 935 CMR 500.002, all as amended, and unless the context shows another sense to be intended. For purposes of this chapter, the following definitions shall also apply:

ADULT USE MARIJUANA (including the words "MARIJUANA" AND "CANNABIS" as those words pertain to adult use marijuana)

Means all parts of any plant of the genus Cannabis, not excepted in 935 CMR 500.002: Cannabis or Marijuana (a) through (c) and whether growing or not; the seeds thereof; and resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin including tetrahydrocannabinol as defined in MGL c. 94G, § 1, as amended, provided that adult use marijuana, marijuana or cannabis does not include the mature stalks of the plant, fiber produced from the stalks, oil, or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, fiber, oil, or cake made from the seeds of the plant or the sterilized seed of the plant that is incapable of germination; hemp; or the weight of any other ingredient combined with cannabis or marijuana to prepare topical or oral administrations, food, drink or other products.

MARIJUANA ESTABLISHMENT

A licensed marijuana cultivator, craft marijuana cooperative, marijuana courier, marijuana delivery operator, marijuana microbusiness, marijuana product manufacturer, marijuana retailer, independent testing laboratory, marijuana research facility, marijuana transporter, or any other type of licensed marijuana-related business, except a medical marijuana treatment center.

MEDICAL AND/OR ADULT USE MARIJUANA CULTIVATOR

An entity licensed and registered ~~under 105 CMR 725.100 and/or 935 CMR 500.000, as amended,~~ to cultivate, process and package marijuana, to deliver to medical marijuana treatment centers and/or to other marijuana establishments, but not to consumers.

MEDICAL AND/OR ADULT USE MARIJUANA INDEPENDENT TESTING LABORATORY

A laboratory that is licensed by the Cannabis Control Commission and is (i) accredited to the most current International Organization for Standardization 17025 by a third-party accrediting body that is a signatory to the International Laboratory Accrediting Cooperation mutual recognition arrangement or that is otherwise approved by the Commission, (ii) independent financially from any medical marijuana treatment center or any licensee or marijuana establishment for which it conducts a test, and (iii) qualified to test marijuana in compliance with ~~105-935 CMR 725.031~~501 and MGL c. 94C, § 34 and/or 935 CMR 500.160 and MGL c. 94G, § 34.

MEDICAL MARIJUANA TREATMENT CENTER

Refers to the site(s) of dispensing, cultivation, and preparation of marijuana; shall mean a not-for-profit entity or a for-profit entity registered under ~~105-935 CMR 725.501.1001~~ and known thereunder as a registered marijuana dispensary (RMD), that acquires, cultivates, possesses, processes [including development of related products, such as edible marijuana-infused products (MIPs), tinctures, aerosols, oils, or ointments], transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers; and shall be subject to the regulations under § 650-32 of this chapter.

CRAFT MARIJUANA COOPERATIVE: A marijuana cultivator comprised of residents of the Commonwealth and organized as a limited liability company, limited liability partnership, or cooperative corporation under the laws of the commonwealth. A cooperative is licensed to cultivate, obtain, manufacture, process, package, brand and transfer marijuana or marijuana products to marijuana establishments, but not to consumers.

MARIJUANA MICROBUSINESS: a co-located marijuana operation that can be either a Tier 1 marijuana cultivator or marijuana product manufacturer or both, in compliance with the operating procedures for each license. A microbusiness that is a marijuana product manufacturer may purchase no more than 2,000 pounds of marijuana per year from other marijuana establishments for the purpose of marijuana product manufacturing by the licensee.

MARIJUANA COURIER: An entity licensed to deliver Finished Marijuana Products, Marijuana Accessories and Branded Goods directly to Consumers from a Marijuana Retailer, or directly to Registered Qualifying Patients or Caregivers from an MTC, but is not authorized to sell Marijuana or Marijuana Products directly to Consumers, Registered Qualifying Patients or Caregivers and is not authorized to Wholesale, Warehouse, Process, Repackage, or White

Label. A Marijuana Courier is an additional license type under M.G.L. c. 94G § 4(b)(1) that allows for limited delivery of Marijuana or Marijuana Products to Consumers; and shall not be considered to be a Marijuana Retailer under 935 CMR 500.002 or 500.050 and shall be subject to 935 CMR 500.050(1)(b).

MARIJUANA DELIVERY ENDORSEMENT: Delivery Endorsement means authorization granted to Licensees in categories of Marijuana Establishments identified by the Commission to perform deliveries directly from the establishment to Consumers.

MARIJUANA DELIVERY OPERATOR: An entity licensed to purchase at Wholesale and Warehouse Finished Marijuana Products acquired from a Marijuana Cultivator, Marijuana Product Manufacturer, Microbusiness or Craft Marijuana Cooperative, and White Label, sell and deliver Finished Marijuana Products, Marijuana Accessories and Marijuana Branded Goods directly to Consumers, but is not authorized to Repackage Marijuana or Marijuana Products or operate a storefront under this license. A Delivery operator is an additional license type under M.G.L. c. 94G § 4(b)(1) that allows for limited delivery of Marijuana or Marijuana Products to Consumers; and shall not be considered to be a Marijuana Retailer under 935 CMR 500.002 or 500.050 and shall be subject to 935 CMR 500.050(1)(b).

MARIJUANA RESEARCH FACILITY: An academic institution, nonprofit corporation or domestic corporation or entity authorized to do business in the Commonwealth, including a licensed Marijuana Establishment or MTC, that is licensed to conduct research by the Massachusetts Cannabis Control Commission.

C. In such zoning districts where a special permit is required for medical marijuana treatment center, adult use marijuana retail business, marijuana accessories business, or medical and/or adult use marijuana cultivator, independent testing laboratory, product manufacturer, craft marijuana cooperative, marijuana microbusiness, marijuana courier, marijuana delivery operator, marijuana research facility, or transporter, upon application, the special permit granting authority shall grant the special permit only upon its written determination that any adverse effects of the proposed use will not outweigh its beneficial impacts to the City or the neighborhood, in view of the particular characteristics of the site, and of the proposal in relation to that site. In addition to any specific factors that may be set forth in this chapter, the determination shall include, but is not limited to, consideration of each of the following:

(C)(16) Signs and signage;~~and~~

(C)(17) Names of businesses, business logos and symbols, subject to state and federal law and regulations; and

(C)(18) When the proposed use is a Marijuana Cultivator: Policies and procedures to reduce energy and water usage, engage in energy conservation and mitigate other environmental impacts.

F. A medical marijuana treatment center, adult use marijuana retail business, marijuana accessories retail business, medical and/or adult use marijuana cultivator, independent testing laboratory, product manufacturer, craft marijuana cooperative, marijuana microbusiness, marijuana courier, marijuana delivery operator, marijuana research facility, or transporter shall not be located:

(1) Within a radius of 500 feet of a school (as defined in § 517-2 of the Code of the City of Marlborough, as amended) located within the City of Marlborough; and

(2) Within a radius of 500 feet of a day-care center (as defined in § 517-2 of the Code of the City of Marlborough, as amended) located within the City of Marlborough.

The five-hundred-foot distance is measured in a straight line from the geometric center of the above-referenced medical marijuana treatment center or marijuana establishment entrance to the geometric center of the nearest school or day-care center entrance, unless there is an impassible barrier within those 500 feet; in these cases, the buffer zone distance shall be measured along the center of the shortest publicly-accessible pedestrian travel path from the geometric center of the proposed medical marijuana treatment center or marijuana establishment to the geometric center of the nearest school or day-care center entrance. Terms referenced herein shall be interpreted consistent with 935 CMR 500 and 935 CMR 501, as applicable.

~~The five hundred foot distance in this Subsection F is measured in a straight line from the nearest point of the building in which the school or day care center in question is located to the nearest point of the building within which the proposed medical marijuana treatment center would be located.~~

~~F.1.~~

~~An adult use marijuana retail business, marijuana accessories retail business, medical and/or adult use marijuana cultivator, independent testing laboratory, product manufacturer or transporter shall not be located:~~

~~[Added 5-21-2018 by Ord. No. 18-1007163-2D]~~

~~(1)~~

~~Within a radius of 500 feet of a school (as defined in § 517-2 of the Code of the City of Marlborough, as amended) located within the City of Marlborough; and~~

~~(2)~~

~~Within a radius of 500 feet of a day care center (as defined in § 517-2 of the Code of the City of Marlborough, as amended) located within the City of Marlborough.~~

~~The five hundred foot distance in this Subsection F.1 is measured in a straight line from the nearest point of the building in which the school or day care center in question is located to the nearest point of the building within which the proposed adult use marijuana retail business,~~

~~marijuana accessories retail business, and medical and/or adult use marijuana cultivator, independent testing laboratory, product manufacturer or transporter would be located.~~

G. Chapter 412 of the Code of the City of Marlborough, as amended, prohibiting the smoking, ingesting, or other use or consumption of marijuana in any place accessible to the public, shall be construed as applying to the medical use of marijuana inside a medical marijuana treatment center (except for the administration of marijuana for the purposes of teaching use of vaporizers, or demonstration of use of other products as necessary), an adult use marijuana retail business, a marijuana accessories retail business, and to a medical and/or adult use marijuana cultivator, independent testing laboratory, product manufacturer, craft marijuana cooperative, marijuana microbusiness, marijuana courier, marijuana delivery operator, marijuana research facility, or transporter.

H. ~~Omitted. The number of Special Permits issued to adult use marijuana retail business establishments shall not exceed the number that is 20% of the number of liquor licenses for off-premises alcohol consumption that have been issued by the Licensing Board pursuant to MGL c. 138, § 15.~~

I. An adult use marijuana retail business, marijuana accessories retail business, medical and/or adult use marijuana cultivator, independent testing laboratory, product manufacturer ~~or~~, craft marijuana cooperative, marijuana microbusiness, marijuana courier, marijuana delivery operator, marijuana research facility, or transporter shall not be an allowable home occupation use or an allowable accessory use.

K. Direct delivery to a consumer or client from a marijuana cultivator or product manufacturer is prohibited. Notwithstanding, a Marijuana Establishment (including an existing establishment previously authorized by special permit) which obtains a Marijuana Delivery Endorsement may deliver only if authorized by a special permit (or amendment to an existing special permit) granted by the City Council.

L. No special permit shall be granted without first having an executed host community agreement (as applicable by law) with the City of Marlborough.

M. The hours of operation of a medical marijuana treatment center or marijuana establishment may be further conditioned by the City Council, but in no event shall a marijuana medical treatment center or marijuana retailer be open before 10:00 a.m. or remain open after 10:00 p.m. In no case shall a marijuana courier, holder of a marijuana delivery endorsement, or marijuana delivery operator deliver to Marlborough locations before 8:00 a.m. or after 9:00 p.m.

ADOPTED
In City Council
Order No. 21-XXX
Adopted

Approved by Mayor
Arthur G. Vigeant
Date:

A TRUE COPY
ATTEST:



City of Marlborough
Office of the Mayor

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
Arthur G. Vigeant
MAYOR

NOV 18 10:40 AM
Patrick M. Bernard
EXECUTIVE AIDE

140 Main Street
Marlborough, Massachusetts 01752
508.460.3770 Fax 508.460.3698 TDD 508.460.3610
www.marlborough-ma.gov

Ryan P. Egan
EXECUTIVE SECRETARY

November 18, 2021

Council President Ossing
Marlborough City Council
140 Main Street
Marlborough, MA 01752

RE: OPEB Trust update

Honorable President Ossing and Councilors:

Please find the enclosed for your information a letter from Finance Director Patrick Jones containing an update from the most recent OPEB Board of Trustees meeting on November 9, 2021. As indicated, the OPEB Trust continues to have a positive net rate of return of 5.15%.

I'd like to thank Council President Michael Ossing and the OPEB Trust for their hard work in continuing our collaborative efforts enabling us to grow our stabilization fund, continue paying down our pension liability, and take steps to lower our OPEB liability.

Sincerely,

Arthur G. Vigeant
Mayor

Enclosures



City of Marlborough
Office of The Comptroller

140 MAIN STREET
 MARLBOROUGH, MA 01752
 TELEPHONE (508) 460-3731, FACSIMILE (508) 481-5180

November 9, 2021

Mayor Arthur G. Vigeant
 City Hall
 140 Main Street
 Marlborough, MA 01752

RE: OPEB Trust Update

Dear Mayor Vigeant,

This memo is to update both yourself and the City Council as to the valuation of the OPEB Trust. The OPEB Board of Trustees met on November 9, 2021 to discuss the positive year end results of the trust as of Fiscal Year ending June 30, 2021 along with the current value on October 31, 2021. I have enclosed two documents showing the balance in the trust for those dates. The balance in the fund as of June 30, 2021 was \$16,476,947.61. The balance in the fund as of October 31, 2021 was \$16,724,167.00 with total contributions as of that date \$13,122,524.18. The trust since inception has had a net rate of return of 5.15% as of June 30, 2021. Please note that market changes can cause the value in the fund to change. The Trustees still maintain a conservative steady approach in the investment portfolio.

Additionally, the actuarial evaluation for the OPEB Trust was completed by Odyssey Advisors for the fiscal year ending June 30, 2021. I have enclosed an information summary of the updates from the report we were given. Our OPEB liability has increased over the last two years, but this was not due to lack of significant investment and effort on our part. There are several variables that can affect liability while working towards full funding as indicated in the attached letter. I look forward to continuing our work as we move further down the path towards a fully funded OPEB Trust.

Please contact me if you have any questions or require any additional information.

Sincerely,

Patrick Jones
 Finance Director

Re: OPEB Trust Liability Update

The purpose of this letter is to provide yourself and the City Council with insights from the recently completed Other Post Employment Benefits (OPEB) actuarial evaluation. The actuarial evaluation was completed by Odyssey Advisors for the fiscal year ending June 30, 2021.

| | June 30, 2021 | June 30, 2019 |
|--|----------------|----------------|
| Total OPEB Liability | \$195,285,449 | \$129,391,274 |
| Trust Fund Balance | \$16,456,265* | \$10,647,105 |
| Net OPEB Liability | \$178,829,184 | \$118,744,169 |
| Percent Funded | 8.43% | 8.23% |
| Number of Participants (Active employees) | 2033 (1112) | 1925 (1061) |
| Fully Funded date | June 30, 2049 | June 30, 2045 |

The Total OPEB Liability increased over the last two years by \$65,894,175. Items contributing to the increased OPEB liability include:

- Assumption changes resulted in liability increases of \$34,381,454. The primary driver was the discount rate that decreased from 4.75% to 4.25%.
- Increase in the number of individuals that are not or will not be eligible for Medicare over the age of 65. This contributed to the liability increasing by \$4,916,238.
- Increase in the number of plan participants.

While the City continues to set aside funding each year for the OPEB Trust (10% of free cash and \$400,000 in the annual budget), the OPEB liability must remain in the City Council's consideration when making future appropriations.

*Provided to Odyssey Advisors just prior to Bartholomew's final evaluation.



City of Marlborough
Office of the Mayor

RECEIVED
CLERK'S OFFICE
CITY OF MARLBOROUGH
MAYOR
Arthur G. Vigeant

2021 NOV 18 A 11:51
Patricia M. Bernard
EXECUTIVE AIDE

140 Main Street
Marlborough, Massachusetts 01752
508.460.3770 Fax 508.460.3698 TDD 508.460.3610
www.marlborough-ma.gov

Ryan P. Egan
EXECUTIVE SECRETARY

November 18, 2021

Council President Ossing
Marlborough City Council
140 Main Street
Marlborough, MA 01752

RE: Mayor to address City Council on The Campus Master Development Plan

Honorable President Ossing and Councilors:

I will be addressing the City Council on The Campus Master Development Plan at the Monday, November 22 City Council meeting.

Thank you in advance for your partnership.

Sincerely,

Arthur G. Vigeant
Mayor



City of Marlborough

Legal Department

140 MAIN STREET

MARLBOROUGH, MASSACHUSETTS 01752

TEL (508) 460-3771 FAX (508) 460-3698 TDD (508) 460-3610

LEGAL@MARLBOROUGH-MA.GOV

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
JASON D. GROSSFIELD
CITY SOLICITOR

2021 NOV 17 A 9:49

November 17, 2021

Michael H. Ossing, President
Marlborough City Council
City Hall
140 Main Street
Marlborough, MA 01752

Re: City Council Order No. 21-1008417
Special Permit Decision, Garden Remedies, Inc.
416 Boston Post Rd. East, Marlborough

Dear Honorable President Ossing and Councilors:

In accordance with Chapter 650-57C(13) of the Marlborough Zoning Ordinance, I provide this letter as to the legal form of the City Council's proposed findings on the above-referenced special permit application.

Enclosed is a copy of the proposed decision. I certify that it is in proper legal form.

Please contact me if you have any questions or concerns.

Respectfully,

Jason D. Grossfield
City Solicitor

Enclosure

cc: Arthur G. Vigeant, Mayor
Tin Htway, Building Commissioner

IN CITY COUNCIL
NOTICE OF DECISION
GRANT OF AMENDMENT TO SPECIAL PERMIT

Special Permit Application of:
Garden Remedies, Inc.
Order No. 18/20/21-1008417

Locus:
416 Boston Post Road East
Marlborough, MA 01752
Assessors Map 73, Parcel 30

DECISION

The City Council of the City of Marlborough hereby **GRANTS** the Application for an Amendment to an existing Special Permit to Garden Remedies, Inc. (as previously amended) with a mailing address of 307 Airport Rd., Fitchburg, MA 01420, as provided in the Decision and subject to the following Findings of Fact and Conditions.

Decision date: _____, 2021.

The Decision of the City Council was filed in the Office of the City Clerk of the City of Marlborough on the ____ day of _____, 2021.

This is to certify that twenty (20) days have passed since the filing of the within decision and no appeal has been filed with this office.

Given at Marlborough this ____ day of _____, 2021.

Given under Chapter 40A, Section 17, of the Massachusetts General Laws.

A TRUE COPY
ATTEST

City Clerk

ORDERED:**IN CITY COUNCIL**

Application of:
Garden Remedies, Inc.

Locus:
416 Boston Post Road East
Map 73, Parcel 30

**DECISION ON AN AMENDMENT TO A SPECIAL PERMIT
ORDER NO. 18/20/21-1008417**

The City Council of the City of Marlborough hereby GRANTS the Application for a Special Permit to Garden Remedies, Inc. (the "Applicant") to amend an existing special permit to build and operate a Medical Marijuana Treatment Center and an Adult Use Marijuana Retail Establishment at 416 Boston Post Road, Marlborough, Massachusetts, as provided in this Decision and subject to the following Findings of Fact and Conditions.

PROCEDURAL FINDINGS OF FACT

1. The Applicant is a duly organized and existing corporation having a business address of 307 Airport Road, Fitchburg, MA 01420.
2. The Applicant is the tenant of a commercial retail unit located at 416 Boston Post Road East, Marlborough, Massachusetts, as shown on Marlborough Assessors Map 73 as Parcel 30 (the "Site"). The Site's owner is Marlboro Square, LLC with a business address of 449 Boston Post Road East, Suite 6, Marlborough, MA 01752.
3. On November 5, 2018, the City Council of the City of Marlborough voted to grant a special permit authorizing the Applicant to build and operate a Medical Marijuana Treatment Center and an Adult Use Marijuana Retail Establishment at the Site (the "Use") in accordance with Article VI, § 650-17, § 650-18(45), § 650-18(46), and § 650-32 of the Zoning Ordinance of the City of Marlborough (the "Zoning Ordinance"), recorded at the Middlesex South District Registry of Deeds in Book 71986, Page 90 (the "Original Special Permit").
4. On December 7, 2020, the City Council of the City of Marlborough voted to grant an amended special permit authorizing expanded operating hours for the Use in accordance with Article VI, § 650-17, § 650-18(45), § 650-18(46), and § 650-32 of the Zoning Ordinance, recorded at the Middlesex South District Registry of Deeds in Book 76747, Page 587 (the "Amended Special Permit").

5. On September 30, 2021, the Applicant, by and through its counsel, filed with the City Clerk of the City of Marlborough an application to modify Finding D.16 of the Original Special Permit in order to update the signage for the Use, under the provisions of Massachusetts General Laws Chapter 40A, Section 9, and the Zoning Ordinance (the "Application").

6. In connection with the Application, the Applicant submitted a certified list of abutters, filing fees, existing site plans for the Site, and proposed sign renderings (the "Proposed Signs") attached hereto as "Attachment A."

7. The Application was certified as complete by the Building Commissioner of the City of Marlborough, acting on behalf of the City Planner for the City of Marlborough, in accordance with the Rules and Regulations promulgated by the City Council for the issuance of a Special Permit.

8. Pursuant to the Rules and Regulations of the City Council for the City of Marlborough and applicable statutes of the Commonwealth of Massachusetts, the City Council established a date for a public hearing on the Application and the City Clerk for the City of Marlborough caused notice of the same to be advertised and determined that notice of the same was provided to abutters entitled thereto in accordance with applicable regulations and law.

9. The Marlborough City Council, pursuant to Massachusetts General Laws Chapter 40A, opened a public hearing on the Application on Monday, November 8, 2021. The public hearing was held at the Marlborough City Hall, 140 Main Street. The hearing was closed on November 8, 2021.

10. The Applicant, through its representatives, presented testimony at the public hearing detailing the Use, describing its impact upon municipal services, the neighborhood, and traffic.

11. At the public hearing, no members of the public spoke in opposition to the Use or submitted written comments about the Use.

12. The Procedural Findings of Fact specified above supplement those made in the Original Special Permit and the Amended Special Permit, which are expressly incorporated in this Decision by reference.

**BASED ON THE ABOVE, THE CITY COUNCIL MAKES THE FOLLOWING
FINDINGS AND TAKES THE FOLLOWING ACTIONS**

A. The Applicant has complied with all Rules and Regulations promulgated by the Marlborough City Council as they pertain to special permit applications.

B. The City Council finds that the proposed Use of the Site, with the Proposed Signs, is an appropriate use and in harmony with the general purpose and intent of the Zoning Ordinance of the City of Marlborough when subject to the appropriate terms and conditions as provided in this Decision, in the Original Special Permit, and in the Amended Special Permit. The City Council

makes these findings subject to the completion and adherence by the Applicant, its successors and/or assigns to the conditions more fully set forth in this Decision, in the Original Special Permit, and in the Amended Special Permit.

C. The City Council incorporates by reference Finding C in the Original Special Permit.

D. The City Council incorporates by reference Finding D in the Original Special Permit, except as modified in this Decision.

E. The City Council, pursuant to its authority under Massachusetts General Laws Chapter 40A and the Zoning Ordinance of the City of Marlborough hereby GRANTS the Applicant an amendment to modify Finding D.16 of the Original Special Permit in order to update the signage for the Use as shown in Attachment A hereto, by deleting Finding D.16 in its entirety and inserting in its place the following:

16. Signs and signage:

Finding: The Proposed Signs are appropriate for the Use.

All other conditions of the Original Special Permit and the Amended Special Permit shall continue in full force and effect, and are incorporated by reference as part of this Decision.

In accordance with the provisions of Massachusetts General Laws Chapter 40A, Section 11, the Applicant, its successors and/or assigns, at its expense shall record this Special Permit in the Middlesex South Registry of Deeds after the City Clerk has certified that the twenty-day period for appealing this Special Permit has elapsed with no appeal having been filed, and before the Applicant has applied to the Building Commissioner for a building permit. Upon recording, the Applicant shall forthwith provide a copy of the recorded Special Permit to the City Council's office, the Building Department, and the City Solicitor's office.

Yea: ____ - Nay: ____ - Absent - ____

Yea:

Nay:

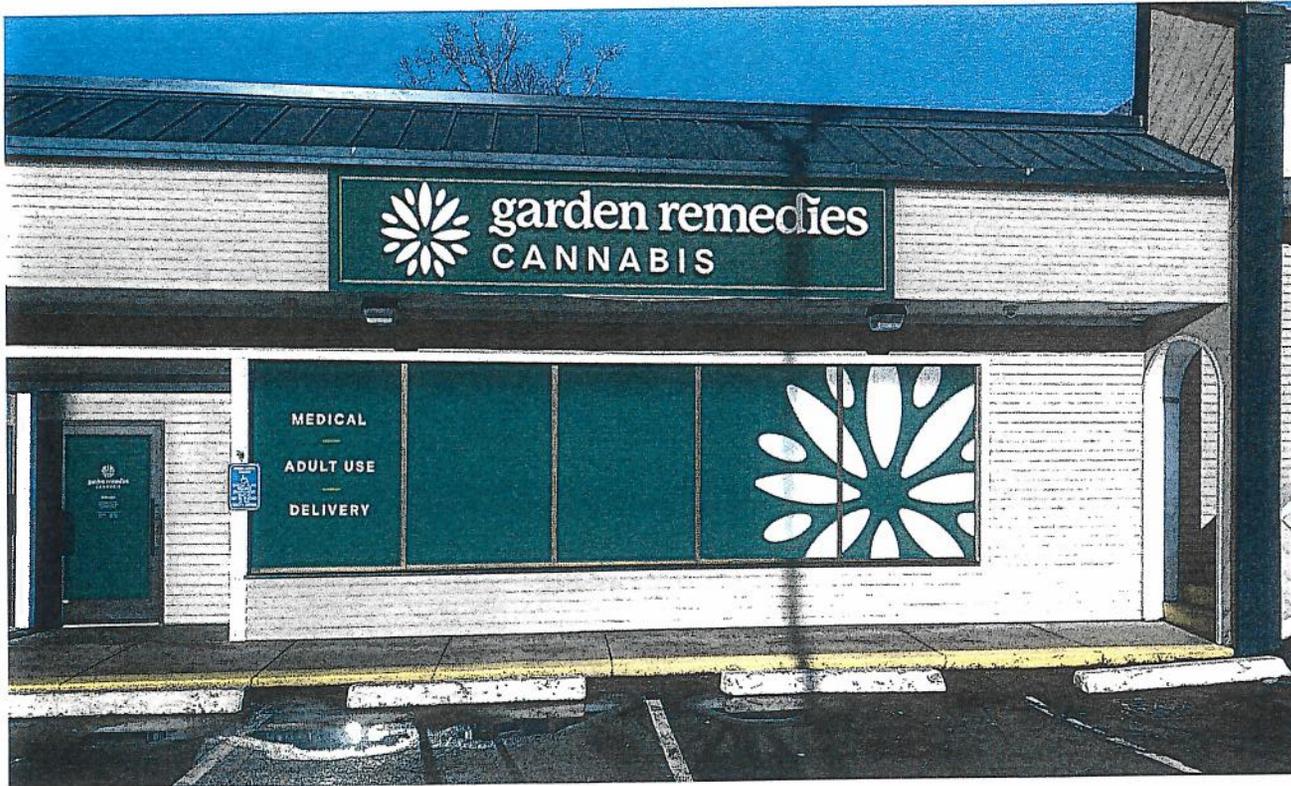
Absent:

Signed by City Council President
Michael H. Ossing

ADOPTED
In City Council
18/20/21-1008417

Attachment A

Signage Reference



2 Garden Remedies | 5 August 2021

Storefront Sign Dimensions

Dimensions are approx.
Field measurements
required for final sizes.

Total: 57.6 sq ft

Light green border is
beveled into back panel.

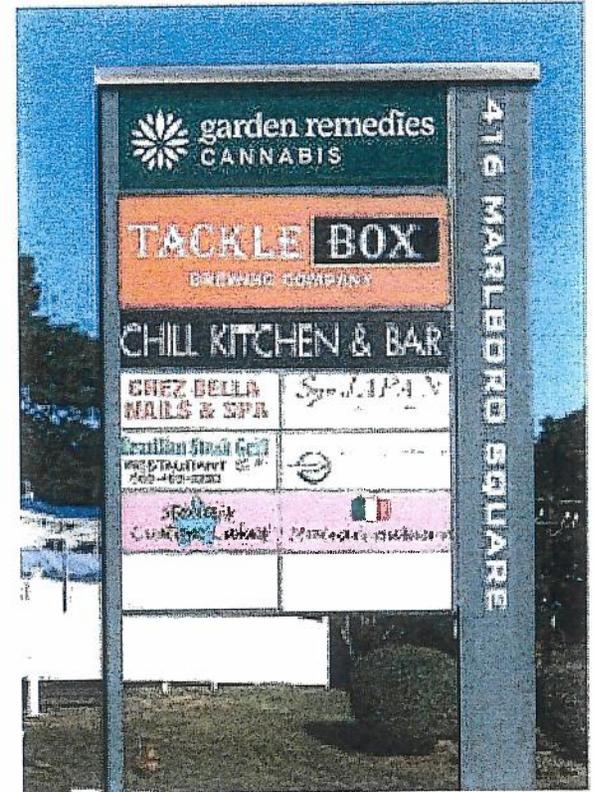
3.6 ft
(43.2 in)



16ft
(192 in)

Daisy Icon and Channel
Letters with internally-lit
LED drivers

Marlborough Exterior Signage



Project: 0821_41 Garden Remedies - Marlborough - Monument Sign



General Notes

Utilizing existing frame structure

Client:

Dennis Carroll
 Pilot | Yellowfly
 o 617.330.5111
 c 617.306.7203
 PilotAgency.com

Project Location:

Marlborough MA

Artist:

Derek B.

Revision #

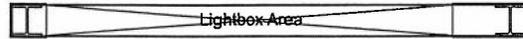
① ② ③ ④ ⑤ ⑥ ⑦ ⑧ ⑨ ⑩

Date: 09/08/2021

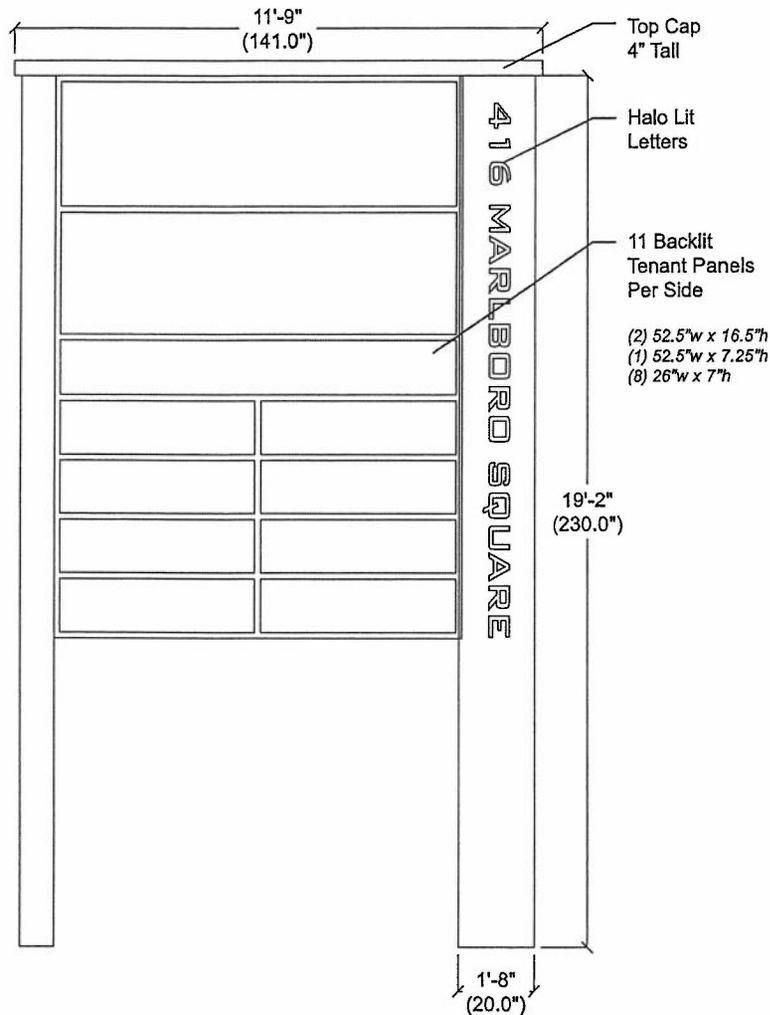
Drawing No.

Scale: 3/8" = 1' 0"

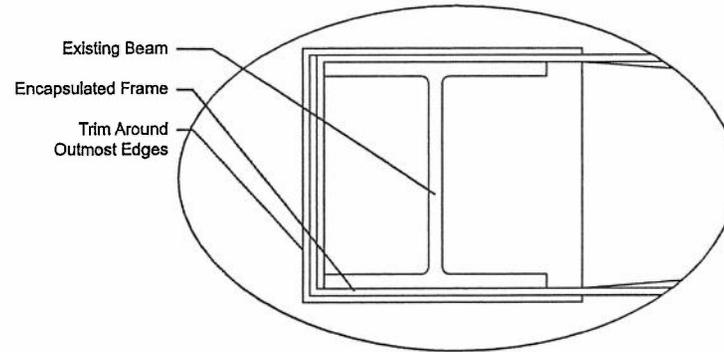
M01



Top View Detail



Front View Detail



Enlarged Top View Detail

Boston Building Wraps Inc Right to Authorship Credit. Client and/or Commissioner, hereafter referred to as User, and Boston Building Wraps Inc, hereafter referred to as BBWinc, agree that when asked, User must properly identify BBWinc, as the creator of artwork for future reproduction. Both parties agree that authorization to proceed with project whether per written estimate or verbal authorization will act as User's naming of BBWinc, as vendor for said services. User does not have a proactive duty to display BBWinc's name together with Work, but User may not seek to mislead others that Work was created by anyone other than BBWinc. User request of BBWinc, to create project relevant drawings, sketches and/or artwork includes only the final, deliverable art, and not any preliminary Work or sketches. In the event of Termination, Either party may terminate the contract at any time through written request. The User shall upon termination pay BBWinc, all unpaid amounts due for Services completed prior to notice of termination.



City of Marlborough

Legal Department

140 MAIN STREET

MARLBOROUGH, MASSACHUSETTS 01752

TEL (508) 460-3771 FAX (508) 460-3698 TDD (508) 460-3610

LEGAL@MARLBOROUGH-MA.GOV

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
JASON D. GROSSFIELD
CITY SOLICITOR

2021 NOV 18 A 11:37

November 18, 2021

Michael H. Ossing, President
Marlborough City Council
City Hall
140 Main Street
Marlborough, MA 01752

Re: WP Marlborough MA Owner, LLC v. Marlborough City Council (Land Court No. 21 MISC 000451) - Request to Enter Executive Session

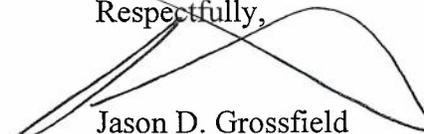
Dear Honorable President Ossing and Councilors:

I respectfully request that this Honorable City Council convene in Executive Session. The purpose of the session is to discuss strategy with respect to the above-referenced litigation as an open meeting may have a detrimental effect on the litigating position of the City Council.

Enclosed please find a proposed order, to be conducted by roll call vote, in order to enter into executive session. The open meeting law requires that the public body chair declare that an open meeting may have a detrimental effect on the litigating position of the public body. The order must specify whether the City Council will or will not re-convene in open session after the executive session.

Please contact me if you have any questions or concerns.

Respectfully,



Jason D. Grossfield
City Solicitor

Enclosure

cc: Arthur G. Vigeant, Mayor

ORDERED:

Moved that the Marlborough City Council meet in executive session under Purpose 3 of the Open Meeting Law, MGL c. 30A, s. 21(a)(3), to “discuss strategy with respect to...litigation if an open meeting may have a detrimental effect on the...litigating position of the public body” regarding the pending matter, *WP Marlborough MA Owner, LLC v. Marlborough City Council* (Land Court No. 21 MISC 000451), as the chair hereby declares that discussion in an open session may have a detrimental effect on the City and the City Council’s litigating position.

The City Council will [or will not] re-convene in open session after the executive session.

Be and is herewith APPROVED.

PLANNING BOARD



City of Marlborough
Planning Board

Administrative Offices
 135 Neil St.
 Marlborough, MA 01752

RECEIVED
 CITY CLERK'S OFFICE
 CITY OF MARLBOROUGH
 2021 NOV 12 A 7:25

Barbara L. Fenby, Chair
 Philip Hodge
 Sean N. Fay
 George LaVenture
 Christopher Russ
 Matthew Elder
 William Fowler
 Katlyn Miller, Administrator
 (508) 624-6910 x33200
kmiller@marlborough-ma.gov

November 9, 2021

Mr. Arthur Vigeant, Mayor
 Marlborough City Council
 140 Main St.
 Marlborough, MA 01752

RE: Council Order #21-1008414, Proposed Zoning Amendment to Chapter 650 to amend Section 61
 Temporary Moratorium for Multi-Family Housing Projects

Honorable Mayor Vigeant and City Council Members:

At its regularly scheduled meeting on November 9, 2021, the Planning Board took the following action regarding the above referenced zoning amendment:

On a motion by Mr. Fay, seconded by Mr. LaVenture, the Board voted to send a favorable recommendation to the City Council on the proposed order 21-1008414 to extend the Temporary Moratorium for Multi-Family Housing Projects through to December 31, 2021. Yea: Fay, Fowler, Hodge, LaVenture, Russ, and Fenby. Nay: 0 Motion carried 6-0.

If the City Council sees fit to approve the Zoning Amendment, the Planning Board suggests the following:

- Request that the Mayor notify the Planning Board and City Council as soon as possible if Mayor anticipates the need for additional extensions of the moratorium;
- Exclude the Campus development that was previously reviewed by the Planning Board in connection with a recommendation for a zoning change; said exclusion to be limited for review purposes only, not approval.

Sincerely,

Barbara L. Fenby 

Barbara L. Fenby
 Chairperson

cc: City Clerk



RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2021 NOV 10 P 4: 35

Marlborough
OFFICE OF THE CITY CLERK
140 MAIN STREET
MARLBOROUGH, MA 01752

November 4, 2021

To whom it may concern:

Enclosed please find a petition of NATIONAL GRID and VERIZON NEW ENGLAND INC., covering joint NATIONAL GRID-VERIZON NEW ENGLAND pole locations

If you have any questions regarding this permit, please contact **Note change of contact information**

Gabriela Ayala

Please notify Ms. Ayala of the hearing date / time:
Gabriela.Ayala@nationalgrid.com

If this petition meets with your approval, please return an executed copy to:

National Grid/ Gabriela Ayala 100 E Ashland St, Brockton MA 02302

Very truly yours,

Robert Leonida

Rob Leonida
Supervisor, Distribution Design

Enclosures

PETITION FOR JOINT OR IDENTICAL POLE LOCATIONS

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

July 8, 2021

2021 NOV 10 P 4: 35

To the City Council
of the City of Marlborough, Massachusetts

MASSACHUSETTS ELECTRIC COMPANY and VERIZON NEW ENGLAND, INC.

request permission to erect and maintain poles and wires to be placed thereon, together with such sustaining and protecting fixtures as said Companies may deem necessary to be owned and used in common by your petitioners, in the following public way or ways:

Bartlett St

Install New P6-51 & P6-5

Wherefore they pray that after due notice and hearing as provided by law, it be granted joint or identical locations for and permission to erect and maintain poles and wires, together with such sustaining and protecting fixtures as they may find necessary, said poles to be erected substantially in accordance with the plan filed herewith marked: **MASSACHUSETTS ELECTRIC COMPANY and VERIZON NEW ENGLAND, INC.**

Plan No. 29822155 Dated: 1/30/2021

Also for permission to lay and maintain underground laterals, cables and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as each of said petitioners may desire for distributing purposes.

Your petitioners agree to reserve space for one cross arm at a suitable point on each of said poles for the fire, police, telephone and telegraph signal wires belonging to the municipality and used by it exclusively for municipal purposes.

MASSACHUSETTS ELECTRIC COMPANY

By:  DBA Robert Leanda
Manager of Distribution Design

VERIZON NEW ENGLAND, INC.

By: Albert C Bessette
Manager, R.O.W.

ORDER FOR JOINT OR IDENTICAL POLE LOCATIONS

July 8, 2021

By the City Council
of the City of Marlborough, Massachusetts

Notice having been given and public hearing held, as provided by law, **IT IS HEREBY ORDERED:**
that MASSACHUSETTS ELECTRIC COMPANY and VERIZON NEW ENGLAND, INC. be and they are hereby granted joint or identical locations for and permission to erect and maintain poles and wires to be placed thereon, together with such sustaining and protecting fixtures as said Companies may deem necessary, in the public way or ways hereinafter referred to, as requested in petition of said Companies dated the **8th day of July**

All construction under this order shall be in accordance with the following conditions:-

Poles shall be of sound timber, and reasonably straight, and shall be set substantially at the points indicated upon the plan marked-- filed with this order

Plan No. **29822155** Dated: **1/30/2021**

There may attached to said **MASSACHUSETTS ELECTRIC COMPANY** not to exceed twenty wires and by said **VERIZON NEW ENGLAND, INC.** not to exceed forty wires and four aerial cables, and all of said wires and cables shall be placed at a height of not less than eighteen feet from the ground.

The following are the public ways or parts of ways along which the poles above referred to may be erected, and the number of poles which may be erected thereon under this order:--

Bartlett St
Install new P6-51 & P6-5

Also for permission to lay and maintain underground laterals, cables and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as each of said petitioners may desire for distributing purposes.

I hereby certify that the foregoing order was adopted at a meeting of the City Council of the City of Marlborough, Massachusetts held on the _____ day of _____

Clerk of Council

Received and entered in the records of location orders of the City of Marlborough, Massachusetts

Book: _____ Page: _____

City Clerk

We hereby certify that on _____, at _____ o'clock, _____ M.
at _____ a public hearing was held on the petition of the
MASSACHUSETTS ELECTRIC COMPANY and VERIZON NEW ENGLAND, INC.

for permission to erect the poles, wires, cables, fixtures and connections described in the order
herewith recorded, and that we mailed at least seven days before said hearing a written notice of the
time and place of said hearing to each the owners of real estate (as determined by the last preceding
assessment for taxation) along the ways or parts of ways upon which the Companies are permitted
to erect poles, wires, cables, fixtures and connections under said order. And that thereupon said
order was duly adopted.

Council of the City of

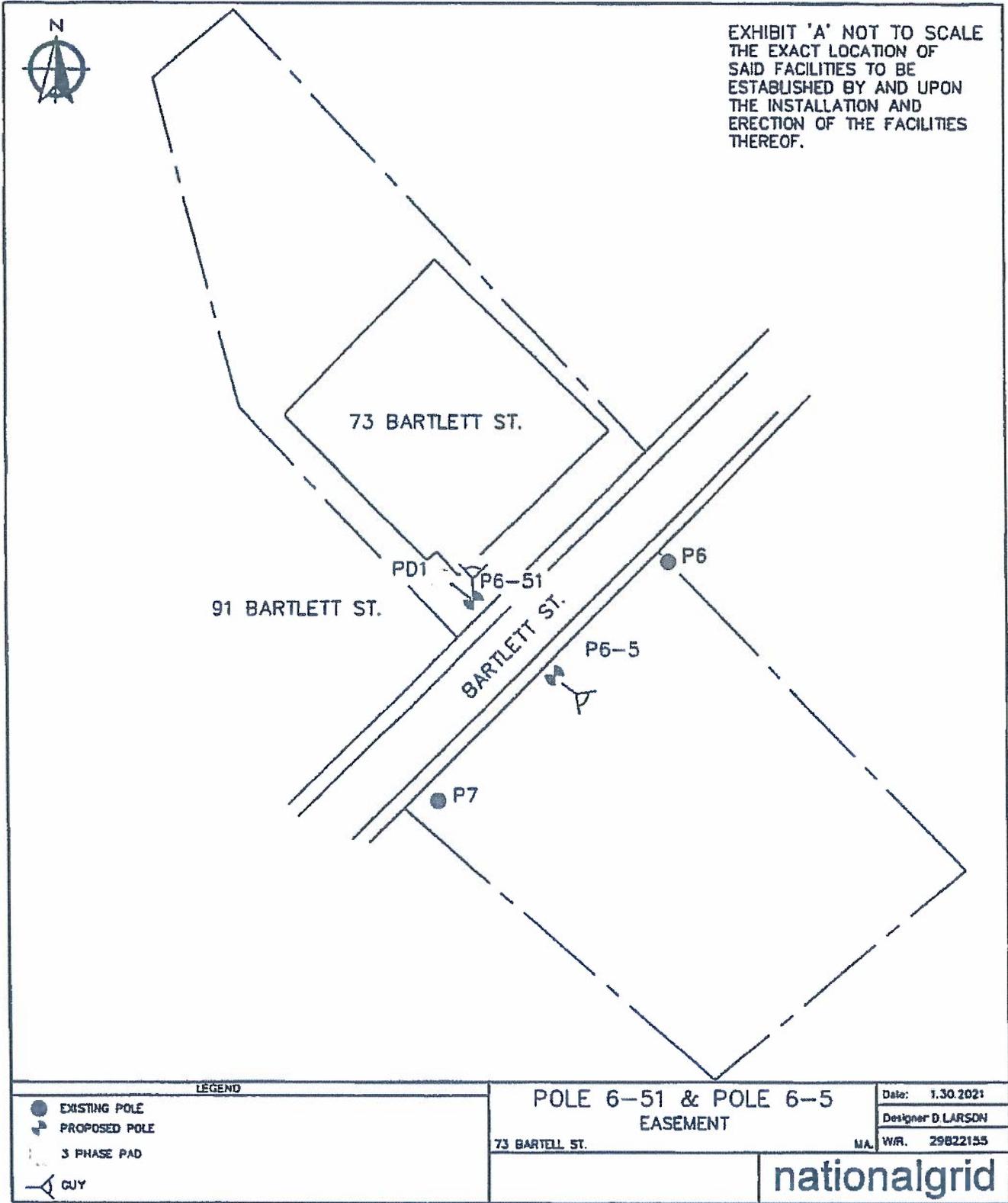
Marlborough, Massachusetts

CERTIFICATE

I hereby certify that the foregoing is a true copy of a joint location order and certificate of hearing with notice
adopted by the City Council of the City of Marlborough, Massachusetts, on the _____ day of
_____ recorded with the records of location orders of said City,
Book _____, Page _____.

This certified copy is made under the provisions of Chapter 166 of General Laws and any additions thereto
or amendments thereof.

Attest: _____
City Clerk





November 9, 2021

Marlborough City Council
140 Main Street
Marlborough, MA 01752

Dear City Council:

In compliance with 333 CMR 11.06, 45 Day Yearly Operational Plan Public Notice, Review and Comment, please review National Grid's Yearly Operational Plan (YOP) at the following website (hard copy available upon request): <https://www.mass.gov/doc/national-grid-2022-yop/download>

The map(s) for your municipality can be found on National Grid's website (scroll through the pdf to your municipality): https://www9.nationalgridus.com/non_html/2022%20MA%20YOP%20Maps.pdf
If you have any trouble viewing the maps, please send me an email at mariclaire.rigby@nationalgrid.com.

Please review the YOP map(s) that locate the right-of-way corridors and the plotted location of known sensitive areas including public and private drinking water supplies. If there are any additional sensitive areas located on or near the rights-of-way, please advise us as soon as possible so we may establish GIS permanent records and implement appropriate field protective actions. **We particularly rely on this process to collect corrections to the public wells and to record the location of private wells.**

A copy of the Environmental Monitor Notice is enclosed and published under the Massachusetts Environmental Policy Act (MEPA).

National Grid's YOP details specific information pertaining to the intended 2021 program. Please note that the YOP also lists the rights-of-way from the 2020 treatment program in case National Grid needs to request a "touch-up" retreatment of scattered locations from our contractor(s). If upon review of the previous year's treatments, National Grid finds a site(s) within your municipality that need follow-up treatments, this letter serves as notification of that follow-up treatment. The individual landowner(s) will be also be notified about this work. *Please note that scheduled rights-of-way are subject to change based on workplan constraints.*

This notification also serves as a 21-day herbicide application notification. As detailed in National Grid's Five-Year Vegetation Management Plan (VMP) and Yearly Operational Plan (YOP), this treatment is conducted as a component of an integrated vegetation management (IVM) program that also utilizes mechanical and natural control techniques. National Grid's current Five-Year Vegetation Management Plan (2019-2023) is posted at the following website (hard copy available upon request): <https://www.mass.gov/doc/national-grid-vmp-2019-2023/download>

As described in the VMP and YOP, the program will consist of a late winter-spring mechanical control, cut surface (CST), basal treatment, or dormant stem; a summer selective foliage or cut stubble, and, as necessary, fall CST, basal, or dormant stem treatments.

In compliance with 333 CMR 11.06-11.07, no herbicide applications will occur before the conclusion of the 45-day YOP review period, the 21 day treatment notice and the 48 hour newspaper notice. At the end of

these review periods, which can run concurrently, no application shall commence more than ten days before nor conclude more than ten days after the treatment periods listed above.

| Potential Treatment Periods* | | |
|---------------------------------|-----------------------------|-----------------------------|
| January 17, 2022 – May 30, 2022 | May 30, 2022 - Oct 15, 2022 | Oct 15, 2022 – Dec 31, 2022 |
| CST | Foliar | CST |
| Basal | CST | Basal |
| Dormant stem | Basal | Dormant Stem |
| | Cut stubble | |

* The exact treatment dates are dependent upon weather conditions and field crew progress.

Commonwealth of Massachusetts recommended herbicides for use in sensitive areas listed in Section 7 (pages 13-15) of the YOP will be selectively applied to target vegetation by experienced, Massachusetts' licensed/certified applicators that walk along the rights-of-way using backpack equipment. Copies of the manufacturers' herbicide labels and fact sheets are also included in the YOP, Appendices 8 and 9.

The work will be performed by one of the following vegetation management vendors:

| | | |
|---|--|---|
| Lewis Tree Service, Inc. 300 Lucius Gordon Drive West Henrietta, NY 14586 (585) 436-3208 | Stanley Tree 662 Great Road North Smithfield, RI (401) 765-4677 | Vegetation Control Service, Inc. 2342 Main Street Athol, MA 01331 (978) 249-5348 |
| Lucas Tree Experts 12 Northbrook Drive Falmouth, ME 04105 (800) 339-8873 | BluRoc 15 Atwood Dr, Suite 301 Northampton, MA 01060 (413) 887-3653 | |

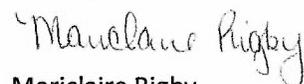
This informational 21-day notification follows Chapter 132B, section 6B of the Massachusetts General Laws, 333 CMR 11.05-11.07 Rights of Way Management and Chapter 85, Section 10 of the Acts of 2000. National Grid's vegetation management program is subject to federal and state regulations only. By statute, local permits or rulings are not applicable.

For inquiries concerning safety of the herbicides, please contact:

MDAR-Pesticide Division-ROW Coordinator
251 Causeway Street, Suite 500
Boston, MA 02114-2151
Telephone: (617) 626-1782

Please contact me if you have any questions about the application and monitoring of the vegetation management program. Email: mariclaire.rigby@nationalgrid.com Office: 508-860-6282

Sincerely,



Mariclaire Rigby
Lead Vegetation Strategy Specialist

Enclosures: Environmental Monitor Notice

CC: Board of Health, Conservation Commission, Private and Public Water Suppliers
Massachusetts Department of Agricultural Resources
Assigned vegetation management vendor

Municipality: Marlborough ROW: 1693 1694 4205

THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS



Department of Agricultural Resources

251 Causeway Street, Suite 500, Boston, MA 02114
617-626-1700 fax: 617-626-1850 www.mass.gov/agr



CHARLES D. BAKER
Governor

KARYN E. POLITO
Lt. Governor

KATHLEEN A. THEOHARIDES
Secretary

JOHN LEBEAUX
Commissioner

NOTICE

Pursuant to the provisions of the Rights-of-Way Management Regulations, 333 CMR 11.00, to apply herbicides to control vegetation along rights-of-way, a five year Vegetation Management Plan (VMP) and a Yearly Operational Plan (YOP) must be approved by the Massachusetts Department of Agricultural Resources (MDAR). National Grid has submitted and holds a current VMP, therefore, notice of receipt of a YOP and procedures for public review is hereby given as required by Section 11.06 (3).

National Grid has submitted a YOP to MDAR for 2022 and National Grid's YOP identifies the following municipalities as locations where they intend to use herbicides to treat their electric Rights-of-Way in 2022:

| | | | | |
|-------------|---------------------|---------------------|--------------|------------------|
| Abington | Cheshire | Lancaster | Oakham | Southbridge |
| Adams | Clinton | Lanesborough | Paxton | Spencer |
| Andover | Conway | Leicester | Pelham | Sterling |
| Attleboro | Deerfield | Leominster | Pepperell | Sunderland |
| Auburn | Dudley | Leverett | Princeton | Sutton |
| Ayer | Dunstable | Lowell | Randolph | Tewksbury |
| Barre | East Bridgewater | Lunenburg | Rockland | Uxbridge |
| Belchertown | East Brookfield | Lynn | Rowley | Ware |
| Berlin | Fall River | Marlborough | Rutland | Webster |
| Beverly | Georgetown | Melrose | Saugus | West Boylston |
| Billerica | Grafton | Millbury | Scituate | West Bridgewater |
| Boxford | Groton | Millville | Seekonk | West Brookfield |
| Braintree | Groveland | North Adams | Shelburne | Westborough |
| Bridgewater | Hanover | North Brookfield | Shirley | Westport |
| Brockton | Haverhill | Northborough | Shrewsbury | Weymouth |
| Buckland | Hingham | Northbridge | Shutesbury | Whitman |
| Charlton | Holbrook | Norton | Somerset | Worcester |
| Chelmsford | Holden | Norwell | Southborough | Wrentham |

In 2022 National Grid will conduct a selective herbicide treatment program on their rights-of-way as part of an Integrated Vegetation Management (IVM) program on transmission and distribution lines.

The intended vegetation control program will be consistent with the guidelines set forth in National Grid's VMP and YOP. Herbicides will be selectively applied to target vegetation by licensed/certified applicators carrying backpack or hand held application equipment.

National Grid will only use herbicides recommended by MDAR for use in sensitive areas for their IVM program. Pursuant to 333 CMR 11.04, no herbicides will be sprayed within any designated "no spray sensitive sites." Instead, mechanical only methods will be used to control vegetation in these areas.

Public notification will be provided to each "affected" municipality at least twenty-one days prior to any herbicide application and in a newspaper notification at least 48 hours before the beginning of the spray season.

In accordance with 333 CMR 11.06 (2), National Grid's YOP includes the identification of target vegetation; methods of identifying, marking and protecting sensitive areas; application techniques; the herbicides, application rates, carriers and adjuvants proposed for use; alternative control measures, a list of the application companies and YOP supervisor; procedures for handling, mixing and loading herbicides; emergency resources including local, state and federal emergency telephone numbers; maps of the rights-of-way that include mapped sensitive areas, and herbicide fact sheets and labels.

PUBLIC REVIEW

MDAR seeks to verify the location of sensitive areas defined in Section 11.02 and reported in the YOP. MDAR itself has a limited ability to survey the geography, land use and water supplies in all the communities through which rights-of-way pass. Municipalities have most of this information readily available, and the particular knowledge with which to better certify the sensitive areas in their communities. MDAR, therefore, requests, and urges the assistance of the "affected" municipalities in reviewing the completeness and accuracy of the maps contained in the submitted YOP.

The YOP can be viewed on MDAR's website: <http://www.mass.gov/eea/agencies/agr/pesticides/vegetation-management-and-yearly-operation-plans.html> or National Grid's website: https://www9.nationalgridus.com/non_html/National%20Grid_2022%20YOP.pdf

MDAR has established the following procedures for this review:

Copies of the YOP and this *Notice* will be sent by the applicant to the Conservation Commission, Board of Health (or designated health agent), the Head of Government (Mayor, City Manager, Chair of the Board of Selectman) and appropriate water suppliers of each municipality where herbicides are to be applied during the calendar year of 2022; and if applicable, to the Natural Heritage Endangered Species Program of the Massachusetts Department of Fisheries and Wildlife, the Massachusetts Water Resource Authority and the Massachusetts Department of Conservation and Recreation. Municipal agencies and officials will have forty-five days, following receipt of the YOP, to review its map for inaccuracies and omissions in the location of "sensitive areas not readily identifiable in the field."

Municipal agencies and officials are requested to forward the YOP to the appropriate official(s) in their municipality who are qualified to certify the accuracy of the sensitive areas indicated on the maps. The maps should then be "corrected" and returned to the applicant and a copy should be sent to MDAR, at the address listed below, within the forty-five day review period. If a city or town needs more time to carry out this review, it should send a written request for an extension to MDAR and cite why there is a "good cause" for requesting additional time.

The applicant is required to make corrections and the corrected maps will be sent back to the city/town that requested the disputed changes within fifteen days of receipt of the request. MDAR will decide whether or not the YOP should be approved without the requested changes. MDAR will consider the "final approval" of a YOP individually for each municipality.

The twenty-one day public review period of the Municipal Notification Letter may serve concurrently with the forty-five day YOP review period in order to provide public notifications as required by 333 CMR 11.06-7, if the applicant has an approved VMP and if all the requisite city-town offices that received copies of the YOP completed their review and all corrections were duly made by the applicant and approved by MDAR.

A failure by the city/town to respond to the applicant's submission of the YOP within the forty-five day period will automatically be considered by MDAR to indicate agreement by the municipal officials with the sensitive area demarcations provided by the applicant in their YOP.

Any questions or comments on the information provided in this *Notice* and the procedures established for the municipal review outlined above should be addressed to:

Clayton Edwards, Rights-of-Way Programs
Massachusetts State Pesticide Bureau
251 Causeway Street, Suite 500
Boston, MA 02114-2151

Any questions or comments regarding the YOP should be addressed to:

Mariclaire Rigby
Lead Vegetation Strategy Specialist
National Grid Vegetation Management Strategy
939 Southbridge Street, Worcester, MA 01610

COMMENT PERIOD ENDS AT THE CLOSE OF BUSINESS (5pm) Friday, December 24, 2021



The Commonwealth of Massachusetts

RECEIVED
CITY CLERK'S OFFICE
CITY OF MASHUSETT
2021 NOV 10 A 8:36

DEPARTMENT OF PUBLIC UTILITIES

This is an important notice. Please have it translated. Este é um aviso importante. Quiera mandá-lo traduzir. Este es un aviso importante. Sirvase mandarlo traducir. Avis important. Veuillez traduire immédiatement. Questa è un'informazione importante, si prega di tradurla. 此为重要通知。请加以翻译。

NOTICE OF FILING AND PUBLIC HEARING

D.P.U. 21-121

November 2, 2021

Petition of Eversource Gas Company of Massachusetts, d/b/a Eversource Energy, pursuant to G.L. c. 25, § 21, for approval by the Department of Public Utilities of its Three-Year Energy Efficiency Plan for 2022 through 2024.

On November 1, 2021, Eversource Gas Company of Massachusetts, d/b/a Eversource Energy ("Company" or "EGMA"), filed with the Department of Public Utilities ("Department"), a petition for approval of a three-year energy efficiency plan for calendar years 2022 through 2024 ("Three-Year Plan"). The Company filed its Three-Year Plan pursuant to An Act Relative to Green Communities, Acts of 2008, c. 169, § 11 ("Green Communities Act"). The Department docketed this matter as D.P.U. 21-121. The Company requests that the Department approve a single, consolidated Three-Year Plan with NSTAR Gas Company (D.P.U. 21-125).

The Green Communities Act requires the Commonwealth's electric and gas distribution companies, and municipal aggregators with certified efficiency plans (together, "Program Administrators") to develop, in consultation with the Energy Efficiency Advisory Council ("Council"), plans that provide for the acquisition of all available energy efficiency and demand reduction resources that are cost effective or less expensive than supply. G.L. c. 25, § 21. The Company's proposed Three-Year Plan includes energy efficiency programs for residential, low-income, and commercial and industrial ("C&I") customers. The proposed Three-Year Plan also incorporates the Company's Residential Conservation Service filing pursuant to G.L. c. 164, App. § 2-7(h).

The Company's proposed budget for its Three-Year Plan is \$271,528,185 (i.e., \$82,048,621 in 2022, \$89,975,081 in 2023, and \$99,504,482 in 2024) and includes a performance incentive. If the Company's Three-Year Plan is approved as proposed, the Company states that customers could experience the following bill impacts:

- A residential heating customer (R-3) using 132 therms per month on average could experience a monthly peak bill increase of \$0.06 or 0.02 percent in 2021/2022; a monthly peak bill decrease of \$4.52 or 1.9 percent in 2022/2023; and a monthly peak bill increase of \$2.11 or 0.9 percent in 2023/2024;
- A low-income residential heating customer (R-4) using 126 therms per month on average could experience a monthly peak bill increase of \$0.04 or 0.02 percent in 2021/2022; a monthly peak bill decrease of \$3.22 or 1.9 percent in 2022/2023; and a monthly peak bill increase of \$1.51 or 0.9 percent in 2023/2024;
- Actual bill impacts may be lower for customers who participate in energy efficiency programs that lower their gas usage;
- Bill impacts for C&I customers will vary. These customers should contact the Company for specific bill impact information.

Due to certain ongoing safety measures and precautions relating to in-person events as a result of the COVID-19 pandemic, the Department will conduct two virtual public hearings to receive comments on the Company's filing. The Department will conduct two public hearings using Zoom videoconferencing:

- **Wednesday, December 1, 2021, beginning at 7:00 p.m.**
- **Thursday, December 2, 2021, beginning at 2:00 p.m.**

Attendees can join the December 1, 2021 hearing at 7:00 p.m. by entering the link, <https://us06web.zoom.us/j/85706654588>, and the December 2, 2021 hearing at 2:00 p.m. by entering the link, <https://us06web.zoom.us/j/84475716947>, from a computer, smartphone, or tablet. No prior software download is required. For audio only access to the hearings, attendees can dial in to either hearing at (646) 558-8656 or (301) 715-8592 (**not toll free**) and then enter the **Meeting ID# 857 0665 4588 for the December 1, 2021 hearing and Meeting ID# 844 7571 6947 for the December 2, 2021 hearing**. If you anticipate providing comments via Zoom during either public hearing, please send an email by **Monday, November 29, 2021**, to jeffrey.leupold@mass.gov with your name, email address, mailing address, and hearing date. If you anticipate commenting by telephone, please leave a voicemail message by **Monday, November 29, 2021**, at (617) 305-3684 with your name, telephone number, mailing address, and hearing date.

When using the Zoom platform, you will be able to listen to the hearing and provide comments in English or Spanish. To access interpretation services through Zoom during the hearing, click on the "Interpretation" button on the menu at the bottom of the Zoom application screen and select your language (*i.e.*, English or Spanish).

Alternately, any person interested in commenting on the Company's filing may submit written comments to the Department no later than the close of business (5:00 p.m.) on

Friday, December 3, 2021. To the extent a person or entity wishes to submit comments in accordance with this Notice, electronic submission, as detailed below, is sufficient.

Any person who desires to participate in the evidentiary phase of this proceeding must file a written petition for leave to intervene with the Department. A petition for leave to intervene must satisfy the timing and substantive requirements of 220 CMR 1.03. The following persons/entities who desire to participate in the evidentiary phase of this proceeding must file a written petition for leave to intervene with the Department not later than the close of business on **Tuesday, November 2, 2021**: (1) voting and non-voting members of the Council; (2) any entity whose interests are represented on the Council; (3) any person/entity that has participated in the Council process; and (4) any person/entity that was previously granted intervention as a full party or limited participant in a three-year energy efficiency plan proceeding. All other persons/entities who desire to participate in the evidentiary phase of this proceeding must file a written petition for leave to intervene with the Department not later than the close of business on **Monday, November 15, 2021**. Receipt by the Department, not mailing, constitutes filing and determines whether a petition has been timely filed. A petition filed late may be disallowed as untimely, unless good cause is shown for waiver under 220 CMR 1.01(4). To be allowed, a petition under 220 CMR 1.03(1) must satisfy the standing requirements of G.L. c. 30A, § 10. All responses to petitions to intervene must be filed by the close of business on the second business day after the petition to intervene was filed.

Ordinarily, all parties would follow Sections B.1 and B.4 of the Department's Standard Ground Rules (D.P.U. 15-184-A, App. 1 (March 4, 2020)) regarding the filing of documents. However, at this time, all filings will be submitted to the Department only in electronic format, consistent with the Department's June 15, 2021 Memorandum addressing continued modified filing requirements. Until further notice, parties must retain the original paper version of the filing and the Department will later determine when the paper version must be filed with the Department Secretary.

All comments or petitions to intervene must be submitted to the Department in **.pdf** format by e-mail attachment to dpu.efiling@mass.gov and jeffrey.leupold@mass.gov. In addition, all comments or petitions to intervene should be submitted to the Company's attorney, John K. Habib, Esq., by email attachment to jhabib@keeganwerlin.com. The text of the e-mail must specify: (1) the docket number of the proceeding (D.P.U. 21-121); (2) the name of the person or company submitting the filing; and (3) a brief descriptive title of the document. The electronic file name should identify the document but should not exceed 50 characters in length. Importantly, all large files submitted must be broken down into electronic files that **do not exceed 20 MB**.

At this time, a paper copy of the filing will not be available for public viewing at the Company's offices or the Department. The filing and other documents submitted in electronic format will be posted as soon as practicable at on the Department's website

D.P.U. 21-121

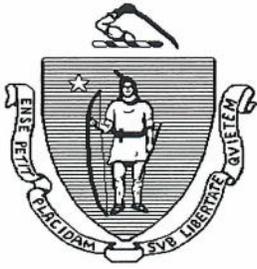
Page 4

through our online File Room at:

<https://eeaonline.eea.state.ma.us/DPU/Flerom/dockets/bynumber> (enter "21-121").

Reasonable accommodations at public hearings for people with disabilities are available upon request. Contact the Department's ADA Coordinator at DPUADACoordinator@mass.gov. Include a description of the accommodation you will need, including as much detail as you can. Also include a way the Department can contact you if we need more information. Please provide as much advance notice as possible. Last minute requests will be accepted, but may not be able to be accommodated. To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), contact the Department's ADA Coordinator at DPUADACoordinator@mass.gov.

Any person desiring further information regarding the Three-Year Plan should contact counsel for the Company, John K. Habib, Esq. at (617) 951-1400. Any person desiring further information regarding this notice should contact Jeffrey Leupold, Hearing Officer, Department of Public Utilities, at jeffrey.leupold@mass.gov.



The Commonwealth of Massachusetts

RECEIVED
CITY CLERK'S OFFICE
2021 NOV 10 A 8:36

DEPARTMENT OF PUBLIC UTILITIES

This is an important notice. Please have it translated. Este é um aviso importante. Quiera mandá-lo traduzir. Este es un aviso importante. Sirvase mandarlo traducir. Avis important. Veuillez traduire immédiatement. Questa è un'informazione importante, si prega di tradurla. 此为重要通知。请加以翻译。

NOTICE OF FILING AND PUBLIC HEARING

D.P.U. 21-125

November 2, 2021

Petition of NSTAR Gas Company, d/b/a Eversource Energy, pursuant to G.L. c. 25, § 21, for approval by the Department of Public Utilities of its Three-Year Energy Efficiency Plan for 2022 through 2024.

On November 1, 2021, NSTAR Gas Company, d/b/a Eversource Energy (“Company”), filed with the Department of Public Utilities (“Department”), a petition for approval of a three-year energy efficiency plan for calendar years 2022 through 2024 (“Three-Year Plan”). The Company filed its Three-Year Plan pursuant to An Act Relative to Green Communities, Acts of 2008, c. 169, § 11 (“Green Communities Act”). The Department docketed this matter as D.P.U. 21-125. The Company requests that the Department approve a single, consolidated Three-Year Plan with Eversource Gas Company of Massachusetts (D.P.U. 21-121).

The Green Communities Act requires the Commonwealth’s electric and gas distribution companies, and municipal aggregators with certified efficiency plans (together, “Program Administrators”) to develop, in consultation with the Energy Efficiency Advisory Council (“Council”), plans that provide for the acquisition of all available energy efficiency and demand reduction resources that are cost effective or less expensive than supply. G.L. c. 25, § 21. The Company’s proposed Three-Year Plan includes energy efficiency programs for residential, low-income, and commercial and industrial (“C&I”) customers. The proposed Three-Year Plan also incorporates the Company’s Residential Conservation Service filing pursuant to G.L. c. 164, App. § 2-7(h).

The Company’s proposed budget for its Three-Year Plan is \$242,372,856 (i.e., \$71,902,762 in 2022, \$81,105,842 in 2023, and \$89,364,253 in 2024) and includes a performance incentive. If the Company’s Three-Year Plan is approved as proposed, the Company states that customers could experience the following bill impacts:

- A residential heating customer (R-3) using an average of 126 therms per month in the peak period could experience a monthly peak bill increase of \$0.20 or 0.1 percent in 2022; a monthly peak bill increase of \$4.80 or 2.1 percent in 2023; and a monthly peak bill increase of \$1.93 or 0.8 percent in 2024;
- A low-income residential customer (R-4) using an average of 123 therms per month in the peak period could experience a monthly peak bill increase of \$0.15 or 0.1 percent in 2022; a monthly peak bill increase of \$3.50 or 2.1 percent in 2023; and a monthly peak bill increase of \$1.41 or 0.8 percent in 2024;
- Actual bill impacts may be lower for customers who participate in energy efficiency programs that lower their gas usage;
- Bill impacts for C&I customers will vary. These customers should contact the Company for specific bill impact information.

Due to certain ongoing safety measures and precautions relating to in-person events as a result of the COVID-19 pandemic, the Department will conduct two virtual public hearings to receive comments on the Company's filing. The Department will conduct two public hearings using Zoom videoconferencing:

- **Wednesday, December 1, 2021, beginning at 7:00 p.m.**
- **Thursday, December 2, 2021, beginning at 2:00 p.m.**

Attendees can join the December 1, 2021 hearing at 7:00 p.m. by entering the link, <https://us06web.zoom.us/j/85706654588>, and the December 2, 2021 hearing at 2:00 p.m. by entering the link, <https://us06web.zoom.us/j/84475716947>, from a computer, smartphone, or tablet. No prior software download is required. For audio only access to the hearings, attendees can dial in to either hearing at (646) 558-8656 or (301) 715-8592 (not toll free) and then enter the **Meeting ID# 857 0665 4588 for the December 1, 2021 hearing and Meeting ID# 844 7571 6947 for the December 2, 2021 hearing**. If you anticipate providing comments via Zoom during either public hearing, please send an email by **Monday, November 29, 2021**, to jeffrey.leupold@mass.gov with your name, email address, mailing address, and hearing date. If you anticipate commenting by telephone, please leave a voicemail message by **Monday, November 29, 2021**, at (617) 305-3684 with your name, telephone number, mailing address, and hearing date.

When using the Zoom platform, you will be able to listen to the hearing and provide comments in English or Spanish. To access interpretation services through Zoom during the hearing, click on the "Interpretation" button on the menu at the bottom of the Zoom application screen and select your language (*i.e.*, English or Spanish).

Alternately, any person interested in commenting on the Company's filing may submit written comments to the Department no later than the close of business (5:00 p.m.) on

Friday, December 3, 2021. To the extent a person or entity wishes to submit comments in accordance with this Notice, electronic submission, as detailed below, is sufficient.

Any person who desires to participate in the evidentiary phase of this proceeding must file a written petition for leave to intervene with the Department. A petition for leave to intervene must satisfy the timing and substantive requirements of 220 CMR 1.03. The following persons/entities who desire to participate in the evidentiary phase of this proceeding must file a written petition for leave to intervene with the Department not later than the close of business on **Tuesday, November 2, 2021**: (1) voting and non-voting members of the Council; (2) any entity whose interests are represented on the Council; (3) any person/entity that has participated in the Council process; and (4) any person/entity that was previously granted intervention as a full party or limited participant in a three-year energy efficiency plan proceeding. All other persons/entities who desire to participate in the evidentiary phase of this proceeding must file a written petition for leave to intervene with the Department not later than the close of business on **Monday, November 15, 2021**. Receipt by the Department, not mailing, constitutes filing and determines whether a petition has been timely filed. A petition filed late may be disallowed as untimely, unless good cause is shown for waiver under 220 CMR 1.01(4). To be allowed, a petition under 220 CMR 1.03(1) must satisfy the standing requirements of G.L. c. 30A, § 10. All responses to petitions to intervene must be filed by the close of business on the second business day after the petition to intervene was filed.

Ordinarily, all parties would follow Sections B.1 and B.4 of the Department's Standard Ground Rules (D.P.U. 15-184-A, App. 1 (March 4, 2020)) regarding the filing of documents. However, at this time, all filings will be submitted to the Department only in electronic format, consistent with the Department's June 15, 2021 Memorandum addressing continued modified filing requirements. Until further notice, parties must retain the original paper version of the filing and the Department will later determine when the paper version must be filed with the Department Secretary.

All comments or petitions to intervene must be submitted to the Department in **.pdf format** by e-mail attachment to dpu.efiling@mass.gov and jeffrey.leupold@mass.gov. In addition, all comments or petitions to intervene should be submitted to the Company's attorney, John K. Habib, Esq., by email attachment to jhabib@keeganwerlin.com. The text of the e-mail must specify: (1) the docket number of the proceeding (D.P.U. 21-125); (2) the name of the person or company submitting the filing; and (3) a brief descriptive title of the document. The electronic file name should identify the document but should not exceed 50 characters in length. Importantly, all large files submitted must be broken down into electronic files that **do not exceed 20 MB**.

At this time, a paper copy of the filing will not be available for public viewing at the Company's offices or the Department. The filing and other documents submitted in electronic format will be posted as soon as practicable at on the Department's website

D.P.U. 21-125

Page 4

through our online File Room at:

<https://eeaonline.eea.state.ma.us/DPU/Flerom/dockets/bynumber> (enter "21-125").

Reasonable accommodations at public hearings for people with disabilities are available upon request. Contact the Department's ADA Coordinator at DPUADACoordinator@mass.gov. Include a description of the accommodation you will need, including as much detail as you can. Also include a way the Department can contact you if we need more information. Please provide as much advance notice as possible. Last minute requests will be accepted, but may not be able to be accommodated. To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), contact the Department's ADA Coordinator at DPUADACoordinator@mass.gov.

Any person desiring further information regarding the Three-Year Plan should contact counsel for the Company, John K. Habib, Esq. at (617) 951-1400. Any person desiring further information regarding this notice should contact Jeffrey Leupold, Hearing Officer, Department of Public Utilities, at jeffrey.leupold@mass.gov.



The Commonwealth of Massachusetts

RECEIVED
CITY CLERK'S OFFICE
NEWTON MASSACHUSETTS
2021 NOV -5 A 9:10

DEPARTMENT OF PUBLIC UTILITIES

This is an important notice. Please have it translated. Este é um aviso importante. Quiera mandá-lo traduzir. Este es un aviso importante. Sirvase mandarlo traducir. Avis important. Veuillez traduire immédiatement. Questa è un'informazione importante, si prega di tradurla. 此为重要通知。请加以翻译。

NOTICE OF FILING AND PUBLIC HEARING

D.P.U. 21-128

November 2, 2021

Petition of Massachusetts Electric Company and Nantucket Electric Company, each d/b/a National Grid, pursuant to G.L. c. 25, § 21, for approval by the Department of Public Utilities of its Three-Year Energy Efficiency Plan for 2022 through 2024.

On November 1, 2021, Massachusetts Electric Company and Nantucket Electric Company, each d/b/a National Grid (together, "Company"), filed with the Department of Public Utilities ("Department"), a petition for approval of a three-year energy efficiency plan for calendar years 2022 through 2024 ("Three-Year Plan"). The Company filed its Three-Year Plan pursuant to An Act Relative to Green Communities, Acts of 2008, c. 169, § 11 ("Green Communities Act"). The Department docketed this matter as D.P.U. 21-128.

The Green Communities Act requires the Commonwealth's electric and gas distribution companies, and municipal aggregators with certified efficiency plans (together, "Program Administrators") to develop, in consultation with the Energy Efficiency Advisory Council ("Council"), plans that provide for the acquisition of all available energy efficiency and demand reduction resources that are cost effective or less expensive than supply. G.L. c. 25, § 21. The Company's proposed Three-Year Plan includes energy efficiency programs for residential, low-income, and commercial and industrial ("C&I") customers. The proposed Three-Year Plan also incorporates the Company's Residential Conservation Service filing pursuant to G.L. c. 164, App. § 2-7(h).

The Company's proposed budget for its Three-Year Plan is \$1,354,497,639 (i.e., \$368,471,753 in 2022, \$450,565,240 in 2023, and \$535,460,646 in 2024) and includes a performance incentive. If the Company's Three-Year Plan is approved as proposed, the Company states that customers could experience the following bill impacts:

- A residential customer (R-1) using 600 kilowatt-hours ("kWh") of electricity per month could experience a monthly bill increase of \$2.45 or 1.4 percent in 2022; a

monthly bill increase of \$3.49 or 1.9 percent in 2023; and a monthly bill increase of \$2.52 or 1.4 percent in 2024;

- A low-income residential customer (R-2) using 500 kWh of electricity per month could experience a monthly bill increase of \$0.14 or 0.1 percent in 2022; a monthly bill increase of \$0.49 or 0.4 percent in 2023; and a monthly bill increase of \$0.16 or 0.1 percent in 2024;
- Actual bill impacts may be lower for customers who participate in energy efficiency programs that lower their electricity usage;
- Bill impacts for C&I customers will vary. These customers should contact the Company for specific bill impact information.

Due to certain ongoing safety measures and precautions relating to in-person events as a result of the COVID-19 pandemic, the Department will conduct two virtual public hearings to receive comments on the Company's filing. The Department will conduct two public hearings using Zoom videoconferencing:

- **Wednesday, December 1, 2021, beginning at 7:00 p.m.**
- **Thursday, December 2, 2021, beginning at 2:00 p.m.**

Attendees can join the December 1, 2021 hearing at 7:00 p.m. by entering the link, <https://us06web.zoom.us/j/85706654588>, and the December 2, 2021 hearing at 2:00 p.m. by entering the link, <https://us06web.zoom.us/j/84475716947>, from a computer, smartphone, or tablet. No prior software download is required. For audio only access to the hearings, attendees can dial in to either hearing at (646) 558-8656 or (301) 715-8592 (**not toll free**) and then enter the **Meeting ID# 857 0665 4588 for the December 1, 2021 hearing and Meeting ID# 844 7571 6947 for the December 2, 2021 hearing**. If you anticipate providing comments via Zoom during either public hearing, please send an email by **Monday, November 29, 2021**, to jeffrey.leupold@mass.gov with your name, email address, mailing address, and hearing date. If you anticipate commenting by telephone, please leave a voicemail message by **Monday, November 29, 2021**, at (617) 305-3684 with your name, telephone number, mailing address, and hearing date.

When using the Zoom platform, you will be able to listen to the hearing and provide comments in English or Spanish. To access interpretation services through Zoom during the hearing, click on the "Interpretation" button on the menu at the bottom of the Zoom application screen and select your language (*i.e.*, English or Spanish).

Alternately, any person interested in commenting on the Company's filing may submit written comments to the Department no later than the close of business (5:00 p.m.) on **Friday, December 3, 2021**. To the extent a person or entity wishes to submit comments in accordance with this Notice, electronic submission, as detailed below, is sufficient.

Any person who desires to participate in the evidentiary phase of this proceeding must file a written petition for leave to intervene with the Department. A petition for leave to intervene must satisfy the timing and substantive requirements of 220 CMR 1.03. The following persons/entities who desire to participate in the evidentiary phase of this proceeding must file a written petition for leave to intervene with the Department not later than the close of business on **Tuesday, November 2, 2021**: (1) voting and non-voting members of the Council; (2) any entity whose interests are represented on the Council; (3) any person/entity that has participated in the Council process; and (4) any person/entity that was previously granted intervention as a full party or limited participant in a three-year energy efficiency plan proceeding. All other persons/entities who desire to participate in the evidentiary phase of this proceeding must file a written petition for leave to intervene with the Department not later than the close of business on **Monday, November 15, 2021**. Receipt by the Department, not mailing, constitutes filing and determines whether a petition has been timely filed. A petition filed late may be disallowed as untimely, unless good cause is shown for waiver under 220 CMR 1.01(4). To be allowed, a petition under 220 CMR 1.03(1) must satisfy the standing requirements of G.L. c. 30A, § 10. All responses to petitions to intervene must be filed by the close of business on the second business day after the petition to intervene was filed.

Ordinarily, all parties would follow Sections B.1 and B.4 of the Department's Standard Ground Rules (D.P.U. 15-184-A, App. 1 (March 4, 2020)) regarding the filing of documents. However, at this time, all filings will be submitted to the Department only in electronic format, consistent with the Department's June 15, 2021 Memorandum addressing continued modified filing requirements. Until further notice, parties must retain the original paper version of the filing and the Department will later determine when the paper version must be filed with the Department Secretary.

All comments or petitions to intervene must be submitted to the Department in **.pdf format** by e-mail attachment to dpu.efiling@mass.gov and jeffrey.leupold@mass.gov. In addition, all comments or petitions to intervene should be submitted to the Company's attorney, Stacey M. Donnelly, Esq., by email attachment to stacey.donnelly@nationalgrid.com. The text of the e-mail must specify: (1) the docket number of the proceeding (D.P.U. 21-128); (2) the name of the person or company submitting the filing; and (3) a brief descriptive title of the document. The electronic file name should identify the document but should not exceed 50 characters in length. Importantly, all large files submitted must be broken down into electronic files that **do not exceed 20 MB**.

At this time, a paper copy of the filing will not be available for public viewing at the Company's offices or the Department. The filing and other documents submitted in electronic format will be posted as soon as practicable at on the Department's website through our online File Room at:

<https://eeaonline.eea.state.ma.us/DPU/Fileroom/dockets/bynumber> (enter "21-128").

Reasonable accommodations at public hearings for people with disabilities are available upon request. Contact the Department's ADA Coordinator at DPUADACoordinator@mass.gov. Include a description of the accommodation you will need, including as much detail as you can. Also include a way the Department can contact you if we need more information. Please provide as much advance notice as possible. Last minute requests will be accepted, but may not be able to be accommodated. To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), contact the Department's ADA Coordinator at DPUADACoordinator@mass.gov.

Any person desiring further information regarding the Three-Year Plan should contact counsel for the Company, Stacey M. Donnelly, Esq., at (781) 907-1833. Any person desiring further information regarding this notice should contact Jeffrey Leupold, Hearing Officer, Department of Public Utilities, at jeffrey.leupold@mass.gov.



The Commonwealth of Massachusetts

RECEIVED
CLERK'S OFFICE
CITY OF DORCHESTER

2021 NOV 10 A 8:36

DEPARTMENT OF PUBLIC UTILITIES

This is an important notice. Please have it translated. Este é um aviso importante. Quiera mandá-lo traduzir. Este es un aviso importante. Sirvase mandarlo traducir. Avis important. Veuillez traduire immédiatement. Questa è un'informazione importante, si prega di tradurla. 此为重要通知。请加以翻译。

NOTICE OF FILING AND PUBLIC HEARING

D.P.U. 21-129

November 2, 2021

Petition of NSTAR Electric Company d/b/a Eversource Energy, pursuant to G.L. c. 25, § 21, for approval by the Department of Public Utilities of its Three-Year Energy Efficiency Plan for 2022 through 2024.

On November 1, 2021, NSTAR Electric Company d/b/a Eversource Energy (“Company”), filed with the Department of Public Utilities (“Department”), a petition for approval of a three-year energy efficiency plan for calendar years 2022 through 2024 (“Three-Year Plan”). The Company filed its Three-Year Plan pursuant to An Act Relative to Green Communities, Acts of 2008, c. 169, § 11 (“Green Communities Act”). The Department docketed this matter as D.P.U. 21-129.

The Green Communities Act requires the Commonwealth’s electric and gas distribution companies, and municipal aggregators with certified efficiency plans (together, “Program Administrators”) to develop, in consultation with the Energy Efficiency Advisory Council (“Council”), plans that provide for the acquisition of all available energy efficiency and demand reduction resources that are cost effective or less expensive than supply. G.L. c. 25, § 21. The Company’s proposed Three-Year Plan includes energy efficiency programs for residential, low-income, and commercial and industrial (“C&I”) customers. The proposed Three-Year Plan also incorporates the Company’s Residential Conservation Service filing pursuant to G.L. c. 164, App. § 2-7(h).

The Company’s proposed budget for its Three-Year Plan is \$1,261,608,396 (i.e., \$330,129,205 in 2022, \$380,176,148 in 2023, and \$551,303,043 in 2024) and includes a performance incentive. If the Company’s Three-Year Plan is approved as proposed, the Company states that customers could experience the following bill impacts:

- A residential customer (R-1) in Eastern Massachusetts using 500 kilowatt-hours (“kWh”) of electricity per month could experience a monthly bill increase of

\$2.29 or 1.8 percent in 2022; a monthly bill increase of \$4.19 or 3.3 percent in 2023; and a monthly bill increase of \$5.70 or 4.4 percent in 2024;

- A residential customer (R-1) in Western Massachusetts using 500 kWh of electricity per month could experience a monthly bill increase of \$2.15 or 1.8 percent in 2022; a monthly bill increase of \$4.19 or 3.5 percent in 2023; and a monthly bill increase of \$5.70 or 4.6 percent in 2024;
- A low-income residential customer (R-2) in Eastern Massachusetts using 500 kWh of electricity per month could experience a monthly bill increase of \$0.26 or 0.3 percent in 2022; a monthly bill increase of \$0.05 or 0.1 percent in 2023; and a monthly bill increase of \$0.02 or zero percent in 2024;
- A low-income residential customer (R-2) in Western Massachusetts using 500 kWh of electricity per month could experience a monthly bill decrease of \$0.12 or 0.2 percent in 2022; a monthly bill increase of \$0.06 or 0.1 percent in 2023; and a monthly bill increase of \$0.01 or zero percent in 2024;
- Actual bill impacts may be lower for customers who participate in energy efficiency programs that lower their electricity consumption;
- Bill impacts for C&I customers will vary. These customers should contact the Company for specific bill impact information.

Due to certain ongoing safety measures and precautions relating to in-person events as a result of the COVID-19 pandemic, the Department will conduct two virtual public hearings to receive comments on the Company's filing. The Department will conduct two public hearings using Zoom videoconferencing:

- **Wednesday, December 1, 2021, beginning at 7:00 p.m.**
- **Thursday, December 2, 2021, beginning at 2:00 p.m.**

Attendees can join the December 1, 2021 hearing at 7:00 p.m. by entering the link, <https://us06web.zoom.us/j/85706654588>, and the December 2, 2021 hearing at 2:00 p.m. by entering the link, <https://us06web.zoom.us/j/84475716947>, from a computer, smartphone, or tablet. No prior software download is required. For audio only access to the hearings, attendees can dial in to either hearing at (646) 558-8656 or (301) 715-8592 (**not toll free**) and then enter the **Meeting ID# 857 0665 4588 for the December 1, 2021 hearing and Meeting ID# 844 7571 6947 for the December 2, 2021 hearing**. If you anticipate providing comments via Zoom during either public hearing, please send an email by **Monday, November 29, 2021**, to jeffrey.leupold@mass.gov with your name, email address, mailing address, and hearing date. If you anticipate commenting by telephone, please leave a voicemail message by **Monday, November 29, 2021**, at (617) 305-3684 with your name, telephone number, mailing address, and hearing date.

When using the Zoom platform, you will be able to listen to the hearing and provide comments in English or Spanish. To access interpretation services through Zoom during the hearing, click on the “Interpretation” button on the menu at the bottom of the Zoom application screen and select your language (*i.e.*, English or Spanish).

Alternately, any person interested in commenting on the Company’s filing may submit written comments to the Department no later than the close of business (5:00 p.m.) on **Friday, December 3, 2021**. To the extent a person or entity wishes to submit comments in accordance with this Notice, electronic submission, as detailed below, is sufficient.

Any person who desires to participate in the evidentiary phase of this proceeding must file a written petition for leave to intervene with the Department. A petition for leave to intervene must satisfy the timing and substantive requirements of 220 CMR 1.03. The following persons/entities who desire to participate in the evidentiary phase of this proceeding must file a written petition for leave to intervene with the Department not later than the close of business on **Tuesday, November 2, 2021**: (1) voting and non-voting members of the Council; (2) any entity whose interests are represented on the Council; (3) any person/entity that has participated in the Council process; and (4) any person/entity that was previously granted intervention as a full party or limited participant in a three-year energy efficiency plan proceeding. All other persons/entities who desire to participate in the evidentiary phase of this proceeding must file a written petition for leave to intervene with the Department not later than the close of business on **Monday, November 15, 2021**. Receipt by the Department, not mailing, constitutes filing and determines whether a petition has been timely filed. A petition filed late may be disallowed as untimely, unless good cause is shown for waiver under 220 CMR 1.01(4). To be allowed, a petition under 220 CMR 1.03(1) must satisfy the standing requirements of G.L. c. 30A, § 10. All responses to petitions to intervene must be filed by the close of business on the second business day after the petition to intervene was filed.

Ordinarily, all parties would follow Sections B.1 and B.4 of the Department’s Standard Ground Rules (D.P.U. 15-184-A, App. 1 (March 4, 2020)) regarding the filing of documents. However, at this time, all filings will be submitted to the Department only in electronic format, consistent with the Department’s June 15, 2021 Memorandum addressing continued modified filing requirements. Until further notice, parties must retain the original paper version of the filing and the Department will later determine when the paper version must be filed with the Department Secretary.

All comments or petitions to intervene must be submitted to the Department in **.pdf** format by e-mail attachment to dpu.efiling@mass.gov and jeffrey.leupold@mass.gov. In addition, all comments or petitions to intervene should be submitted to the Company’s attorney, John K. Habib, Esq., by email attachment to jhabib@keeganwerlin.com. The text of the e-mail must specify: (1) the docket number of the proceeding (D.P.U. 21-129); (2) the name of the person or company submitting the filing; and (3) a brief descriptive title of the document. The electronic file name should identify the document but should not

exceed 50 characters in length. Importantly, all large files submitted must be broken down into electronic files that **do not exceed 20 MB**.

At this time, a paper copy of the filing will not be available for public viewing at the Company's offices or the Department. The filing and other documents submitted in electronic format will be posted as soon as practicable at on the Department's website through our online File Room at:

<https://eeaonline.eea.state.ma.us/DPU/Fileroom/dockets/bynumber> (enter "21-129").

Reasonable accommodations at public hearings for people with disabilities are available upon request. Contact the Department's ADA Coordinator at DPUADACoordinator@mass.gov. Include a description of the accommodation you will need, including as much detail as you can. Also include a way the Department can contact you if we need more information. Please provide as much advance notice as possible. Last minute requests will be accepted, but may not be able to be accommodated. To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), contact the Department's ADA Coordinator at DPUADACoordinator@mass.gov.

Any person desiring further information regarding the Three-Year Plan should contact counsel for the Company, John K. Habib, Esq. at (617) 951-1400. Any person desiring further information regarding this notice should contact Jeffrey Leupold, Hearing Officer, Department of Public Utilities, at jeffrey.leupold@mass.gov.



Marlborough Public Schools

School Committee
 District Education Center
 25 Union Street, Marlborough, MA 01752
 (508) 460-3509

RECEIVED
 CITY CLERK'S OFFICE
 CITY OF MARLBOROUGH
 2021 NOV 10 A 11:01

Call to Order

October 26, 2021

1. Chairman Vigeant called the regular meeting of the Marlborough School Committee to order at 7:30 p.m. at 17 Washington Street, Marlborough, MA. Members present included Michelle Bodin-Hettinger, Daniel Caruso, Earl Geary, Heidi Matthews, and Denise Ryan. Also present were Superintendent Michael Bergeron, Director of Finance and Operations, Douglas Dias, the Assistant Superintendent of Teaching and Learning, Mary Murphy, and the Assistant Superintendent of Student Services and Equity, Jody O'Brien. Additionally, MEA Representative Eileen Barry and Student Representative Hattie Parker were present.

This meeting is being recorded by local cable, WMCT-TV, and is available for review.

2. **Pledge of Allegiance:** The members of Troop 41 led the Pledge of Allegiance.
3. **Presentation:** None.
4. **Committee Discussion/Directives:** None.
5. **Communications:** None.
6. **Superintendent's Report:**
 Superintendent Bergeron updated the committee on the COVID-19 data for the City of Marlborough and MPS.
 The Superintendent explained that the district will use traditional snow days this year as they have in the past prior to COVID-19.
 Superintendent Bergeron recognized Heath Sainio with the 2021 Massachusetts Association of School Superintendents' Award. The Superintendent shared some information about Heath, which is detailed in his report.

www.mps-edu.org



Marlborough Public Schools

School Committee
 District Education Center
 25 Union Street, Marlborough, MA 01752
 (508) 460-3509

Principal Riley presented both Courtney Sweeney and Katelyn Le with the 2021 National School Development Council award. Principal Riley shared some information about each student, which is detailed in the Superintendent's report.

A. Director of Finance & Operations Report

Mr. Dias, the Director of Finance and Operations, reported that the district is working with NRT to employ more MPS bus drivers. There are custodial and translator/interpreter positions open in the district as well. Anyone interested in these positions can email ddias@mps-edu.org.

Mr. Dias shared that the Discovery Club program run at the elementary schools through the Marlborough Boys and Girls Club currently has a waitlist due to staffing shortages. There are still spots available at the Pleasant Street Club location though. If anyone is interested in signing their child/children up for before and/or after school care then they can call the Marlborough Boys and Girls Club at 508-485-4912.

Mr. Dias shared the FY23 Budget Calendar, which is included in his report.

Superintendent Bergeron recommended that if there is a budget workshop on February 16th then the committee does not meet on the 22nd.

B. Assistant Superintendent of Student Services & Equity

Mrs. O'Brien, the Assistant Superintendent of Student Services and Equity, outlined the October 1st student data report that will be submitted to DESE. There is a comparison of this year's data to October 1st of both 2020 and 2019. The tables and changes highlighted through bullet points are provided in Mrs. O'Brien's report.

7. Acceptance of Minutes:

A. Minutes of the October 12, 2021 School Committee Meeting

Motion made by Mrs. Matthews, seconded by Chairman Vigeant to approve these minutes.

Motion passed 6-0-0.

www.mps-edu.org



Marlborough Public Schools

School Committee
 District Education Center
 25 Union Street, Marlborough, MA 01752
 (508) 460-3509

8. Public Participation: None.

It should be noted that members of the public may provide comment via email before the meeting to superintendent@mps-edu.org. Public participation is a time for your comments to be heard by the committee; it is not a question-and-answer session.

9. Action Items/Reports

A. Music Department Out of State Trip

Mr. Rosenthal spoke about the Music Department's out of state trip. The Voices ReChaired group would like to attend the National A Cappella Music Festival in Orlando, Florida from March 24th to March 28th.

Motion made by Mrs. Matthews, seconded by Chairman Vigeant to approve this trip.
 Motion passed 6-0-0.

B. FY22 Operating Budget Transferred

Mr. Dias outlined various budget transfers in the attached document.

Motion made by Mrs. Matthews, seconded by Chairman Vigeant to approve these transfers.
 Motion passed 6-0-0.

C. Policy for First Read

1. Policy 8.130 Suspension & Expulsion

Chairman Vigeant tabled this policy until next meeting since Mrs. Hennessy is absent.

10. Reports of School Committee Sub-Committees: None.

www.mps-edu.org

It is the policy of the Marlborough Public Schools not to discriminate on the basis of race, gender, religion, national origin, color, homelessness, sexual orientation, gender identity, age or disability in its education programs, services, activities or employment practices.



Marlborough Public Schools

*School Committee
District Education Center
25 Union Street, Marlborough, MA 01752
(508) 460-3509*

11. Members' Forum:

Mrs. Matthews has read and signed the warrant.

Chairman Vigeant shared that the Horribles Parade will be from 4:30-5:30pm on Thursday evening. He encouraged everyone to go out and be safe on Halloween night. Chairman Vigeant also cautioned the public to drive extra careful that night.

Mrs. Bodin-Hettinger and Mrs. Matthews shared that Tuesday, November 2nd is an election day.

Superintendent Bergeron confirmed that there is no school on November 2nd but MPS staff have a professional development day.

12. Adjournment:

Motion made by Mrs. Matthews, seconded by Chairman Vigeant to adjourn at 7:57 p.m.

Motion passed 6-0-0.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Heidi Matthews', with a long horizontal flourish extending to the right.

Heidi Matthews
Secretary, Marlborough School Committee

HM/jm

Approved November 9, 2021

www.mps-edu.org

CITY OF MARLBOROUGH BOARD OF ASSESSORS

MEETING MINUTES: SEPTEMBER 8, 2021

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2021 NOV 15 P 2:00

OPEN SESSION

1. CALL TO ORDER: 10:00 a.m.
2. MEMBERS PRESENT: Ellen Silverstein, Jonathan Steinberg, John Valade
Also present: Patricia Mespelli, Head Clerk
3. MOTION TO ACCEPT: Minutes of the June 9, 2021, meeting
Ms. Silverstein; second Mr. Steinberg
Mr. Valade abstained (not present at June 9, 2021, meeting)
Vote 2-0
4. PUBLIC INPUT: (None)
5. Patrick Jones, Finance Director, addressed the Board of Assessors in the interest of clarification of the fee structure of the relationship between the City and Attorney Anthony Ambriano, who provided legal counsel at the Appellate Tax Board to the contract assessor for appeal cases prior to the arrival of Mr. Valade. Mr. Valade indicated that he had reached out to Mr. Ambriano regarding the relationship and fee structure. Mr. Steinberg encouraged the Board to consider a contractual arrangement, perhaps with preset fees specific to the scope of assignment, for the special counsel relationship, rather than a typical retainer fee structure. Mr. Steinberg also encouraged the Board to consider the use of third-party appraisal services.
6. DISCUSSION AND VOTE: To grant authority on behalf of the Board of Assessors to John Valade:
 - Warrant to Collector – Motor vehicle and trailer excise
 - Notice of Commitment to Auditor – Motor vehicle and trailer excise
 - Abatement – Motor vehicle and trailer excise (approval authorized internally based on Department of Revenue policy)
 - Monthly Summary Reporting
 - Billing Adjustment - Due to administrative error
 - Certified Abutters List
 - Clause Exemption Certificate
 - SCRPT Program Certificate
 - All electronic submissions through GATEWAY, used to transact business with the Department of Local Services

MOTION TO ACCEPT: Mr. Steinberg, second Ms. Silverstein
Vote 3-0

CONSERVATION COMMISSION
Minutes
October 21,, 2021(Thursday)
Marlborough City Hall – 3rd Floor, Memorial Hall
7:00 PM

RECEIVED
 CITY CLERK'S OFFICE
 CITY OF MARLBOROUGH
 2021 NOV -9 A 7:18

Present: Edward Clancy-Chairman, Allan White, David Williams, Dennis Demers, John Skarin, Karin Paquin and William Dunbar. Priscilla Ryder - Conservation Officer was also present.

Absent: none

Approval of Minutes: The minutes of October 7, 2021 were reviewed and on a motion by Mr. Skarin second by Mr. Clancy, they were unanimously approved 7-0.

Public hearings:

Notice of Intent

2 Minehan Lane – Department of Public Works

At the applicant's request, this item was continued to the November 4th meeting

Discussion:

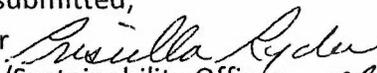
- 212-1241 Minor changes to plan – 587 Bolton St. – Bolton Street Tavern - The Commission reviewed a letter from the applicant requesting a minor change to the pavilion to be built. The applicant wants to change the supports from footing supports to a small wall on which to build the pavilion. After much discussion the Commission determined that the new wall would require additional grading and excavation and therefore, they would want to see a plan showing the new wall and the grading around this new wall foundation. If the applicant wants to make this change, he will need to come back to the Commission with a plan, if he wants to proceed with the original plan then he can proceed. Councilor Ossing was also present and noted that the pavilion will need a change to the Special permit they had received, which will likely occur in the next few weeks. Ms. Ryder will convey the same to the applicant.
- 212-1215 Green District – 107 Simarano Dr. – Request to advance to Phase II. John Shipe of Shipe Consulting (consultant), Andy Montelli of Post Road Residential (developer) Jeff Bergeron of Plumb House (construction) and Jason Souza from Lopez Construction (contractor) were present. Mr. Shipe explained that as a follow-up to the last meeting they have looked at the site and have a revised plan showing the items discussed at the last meeting. Per condition # 49 of the Order of Conditions, they have asked the contractor and developer to attend to explain the changes and the stabilization of Phase 1 and the construction sequencing of Phase 2. He explained that he walked the site with Ms. Ryder and Ms. Paquin, and they discussed a few trees to be saved and he explained the spine road does get raised and therefore requires the wide area as shown on the plan. Mr. Montelli explained that they are interested in starting Phase II ASAP in hopes of being ready for a building permit in June 2022. They have blasting and earth moving to occur which will

take a while. With the logistical constraints of having a lot of fill on Phase I that needs to be moved to Phase II, it makes sense to move to the Phase II plan as presented this evening. The overlap is minimal and the control on Phase I as outlined should allow the site to be stable through the winter. Mr. Clancy asked questions about timetable, and when cutting will begin. They expect the trees to be cut starting next week, they can cut 3 acres a day. Mr. Souza explained that they will cut and stump all the site, but they will not remove topsoil except in areas they need to work. This will help protect the open areas. They will also keep the stump grindings on site, as they proved useful in Phase I. Therefore, they will repeat that process in Phase II. Mr. Dunbar asked about the piles to be moved and the blasting and processing of the rock. Mr. Bergeron explained that this will be crushed on site with a crusher and dust will be controlled. Mr. Demers explained that he liked the approach they were using, his worry is that this is happening as we approach winter which makes things trickier and that they need to plan for snow. The contractors explained the process to put the detention basins and swales in first before proceeding with walls and filling and blasting. Mr. Bergeron explained the paving plan on Phase 1 as well and showed a plan where the binder course would be installed in November. After further discussion, on a motion by Mr. White second by Mr. Clancy to allow for the project to proceed to Phase 2 as outlined this evening, the Commission voted unanimously 7-0 to approve.

- DCR Forest Cutting Plan for State Forest in Desert Natural Area off Concord Rd. – Site walk Monday -Oct. 18th @ 3:00 PM. Ms. Ryder noted that Ms. Paquin, Mr. Dunbar, and Mr. Williams had all attended the site walk. A good portion of the state property at the Desert will be harvested this winter, to remove the red pine that has been killed by the red pine beetle, and also some areas where they hope to restore the area to a pitch pine scrub oak forest and will harvest and “mow” in anticipation of a future burn to restore this unique and globally rare habitat.
- Trails Committee update - Ms. Paquin presented the successes of this summer trail work. She shared photos and explained that the volunteers have meet once a month throughout the summer months and have accomplished a great deal. The 4-mile Sudbury Reservoir trail is now passable the whole stretch, a few boy scouts will be constructing bridges across some of the wet and ditched areas along this section. This will be complete this fall. The hope is to open the 26.2-mile Panther Trail spring of 2022. They are also exploring options for opening a bit more of the filter beds which have a beautiful spillway, which is not safe today, this discussion will happen with DCR in the near future to explore this option.

Next Conservation Commission meetings: Nov. 4th & Nov. 18th, 2021

Adjournment - There being no further business, on a motion by Mr. White second by Mr. Clancy, the Commission voted unanimously 7-0 to adjourn at 8:13 PM.

Respectfully submitted,
Priscilla Ryder 
Conservation/Sustainability Officer *PR*

Marlborough Public Library Board of Trustees

Meeting Minutes

September 7, 2021

Meeting Held at Walker Building

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2021 NOV 12 A 8:10

Meeting called to order by Tom Abel at 7:05pm

Board Members Attending: Tom Abel, Bill Brewin, Fred Haas, Robyn Ripley, Janice Merk, Nena Bloomquist, Samantha Khosla, Rustin Kyle, Karen Bento

Also Attending: Margaret Cardello, Library Director

Documents Reviewed/Referenced:

1. Agenda
2. Minutes from the June 1, 2021 meeting
3. Trust Fund/State Aid reports for June, July, and August 2021
4. Director's Report
5. Hotspot Lending Policy

Proceedings:

1. **Minutes:** *A motion (Ripley/Bento) to approve the minutes from the June 1, 2021 meeting was passed.*
2. **Trust Fund Reports:** *Three motions (each by Bloomquist/Brewin) to approve the trust fund reports for June, July, and August 2021 were passed.*
3. **Director's Report:**
 - Margaret reported that visits to the Walker Building have steadily increased as more people come to explore the temporary space. Staff has added additional small tables to the hallway in response to requests for more work/study space.
 - The Mayor approved Margaret's plan to expand the library's hours to a total of 59 hours/per week. Currently, the library is open from Monday – Friday from 9am – 5pm, with no weekend hours. The new schedule will be Monday – Thursday 9am -7:45pm and Friday and Saturday 9am – 5pm. To accomplish this, Margaret will hire to backfill positions that were cut during the pandemic. These include a FT Young Adult Librarian, a FT Youth Services Librarian, 2 PT Reference Librarians, 4 PT Clerks and 4 Library Pages.
 - Library Renovation and Expansion update:

- The City has signed a contract with M. O'Connor Contracting Inc (MOCC). This contractor has extensive experience with library construction projects throughout Massachusetts.
 - A meeting was held on Sept 1 with representatives from the City, the architects, the project owner, and MOCC to discuss process and timeline.
 - A Groundbreaking Ceremony is scheduled for Sept 21 at 35 Main Street on the front lawn outside the Children's Room. Margaret is working with the Mayor's office on the details of the groundbreaking and has prepared a draft invitation, program, attendee list, and schedule. The Trustees congratulated her on the excellent advanced preparation she has done in anticipation of the groundbreaking. Following the ceremony, MOCC will begin installing fencing around the entire construction site.
- Margaret worked with the MPL Foundation and the City's IT department on a Letter of Intent to the Cummings Foundation requesting \$100,000 to fund technology in the new library. If accepted, the MPL Foundation will be invited to apply for the grant.
 - The library has received 15 new mobile hotspots from the State. During the pandemic, demand for hotspots was extremely high. Massachusetts is using federal COVID funds to roll out an extensive hotspot borrowing program at libraries throughout the state. Previously, the MPL only had 6 hotspots available, so this is a significant expansion for the community. Since the new hotspots are funded with federal money, they must include a filtering option that can be turned off at the patron's request. The MBLC has also asked that libraries charge a lower fee if the device is lost or not returned. (In that situation, the MPL has the ability to shut off the device's operation, and the State will replace the unit at no charge.) Margaret requested the Trustees approve a change to the MPL's Hotspot Lending Policy to reflect the filtering option and lower lost fee. *A motion (Bloomquist/Kyle) to amend the Hotspot Lending Policy as requested was approved.*

4. Committee Reports:

- Marlborough Public Library Foundation:
 - Janice Merk, MPLF Vice President, updated the Trustees on the Foundation's efforts to continue educating the community about the building project and recruit donors. Materials are being updated to reflect the beginning of construction and latest timeline. Several press releases are in the works to publicize recent donations. The Foundation is also participating in the Food Truck Festival on September 19 as another way to spread the word. Nena Bloomquist, Capital Campaign Chair, provided information recent donations and the Foundation's ongoing efforts to connect with major donors. The Groundbreaking Ceremony will provide

the Foundation with an excellent opportunity to introduce potential donors to the project by inviting them to the groundbreaking.

5. Old Business:

- None.

6. New Business:

- None.

7. Adjournment: *A motion (Khosla/Ripley) to adjourn was approved 8:03pm.*

Minutes submitted by Janice Merk.

Marlborough Public Library Board of Trustees
 Meeting Minutes
 October 5, 2021
 Meeting held at the Walker Building

RECEIVED
 CITY CLERK'S OFFICE
 CITY OF MARLBOROUGH
 2021 NOV 12 A 8:10

The meeting was called to order by Tom Abel at 7:03 PM

Board members attending: Tom Abel, Robyn Ripley, Rustin Kyle, Bill Brewin, Samantha Khosla, Fred Haas, Nena Bloomquist

Also attending: Margaret Cardello, Library Director

Documents reviewed/referenced:

1. Agenda
2. Minutes from September 7, 2021 meeting
3. Trust Fund/ State Aid Reports for September 2021
4. Director's Report
5. 2022 Library Calendar

Proceedings:

1. **Minutes:** A motion (Hass, Brewin) to approve the minutes from the September 7, 2021 meeting was passed.
2. **Trust Fund Reports:** A motion (Ripley, Bloomquist) to approve the Trust Fund reports was passed.
3. **Director's Report:** Margaret updated the Trustees on progress with the construction project. A General Contractor, Michael O'Connor Contracting (MOCC) has been selected. The City issued a notice to proceed effective September 28, 2021.

Margaret attended a webinar on the US Treasury's Coronavirus Capital Projects fund. MA is scheduled to receive \$175M in funding. Library construction is an eligible category. The MBLC has reached out to the State's Admin and Finance Dept for an update on the Commonwealth's plans for this funding. She will update us on any developments in this funding.

Margaret provided an update on staffing, both the recall of laid off staff and the hiring of new staff to fill open positions. The goal is to have sufficient staff to open M-TH from 9-7:45 and FRI-SAT from 9-5. The total hours open per week (59) will meet the state requirement for certification. As an interim step the library will open Wed., and Thurs. evenings until 7:45, effective October 12.

Margaret updated the Trustees on the number of libraries that have gone fine free. 94 public libraries or 65% of the CW MARS membership have gone fine free. For the past few years we have taken in an average of \$2,500 per year in fines that go to the General Fund. The Trustees asked Margaret to discuss this with the City's Finance Director.

4. Committee Reports:

- a. Marlborough Public Library Foundation: Nena Bloomquist reported on the MPLF's activities in the last month. The MPLF had a table at the MEDC Food Truck Festival on September 19, 2021. The event was well attended and we spoke to many people, handed out brochures and got approximately 40 people to sign up for more information. The MPLF presented the City with a ceremonial check for \$250,000.00 at the groundbreaking Ceremony on September 21, 2021. Margaret Cardello deposited a real check into a special City account set up for the library project last week. Margaret said we should hear by November 1, 2021 whether we are invited to apply for a \$100,000.00 grant from the Cummings Foundation.

5. Old Business:

- a. None

6. New Business:

- a. A motion (Brewin, Ripley) to accept the 2022 Library Calendar was passed.

7. Adjournment: A motion (Ripley, Kyle) to adjourn was passed and the meeting adjourned at 7:37 PM.

Minutes submitted by Nena Bloomquist

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2021 NOV 16 A 10:39

CITY OF MARLBOROUGH
OTHER POST-EMPLOYMENT BENEFITS ("OPEB") TRUST BOARD MEETING

November 9, 2021

Regular Meeting Minutes

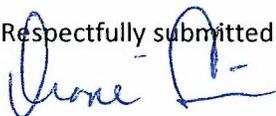
Call to order: 9:07 am

Members Present: Doug Dias, Diane Smith, Patrick Jones, Michael Ossing and Al Weaver

Members Absent: None

- Motion made and seconded to accept the minutes of the March 9, 2021 meeting. Approved 5-0.
- Representatives Parker Elmore and Cal White from Odyssey Advisors appeared before the board. The representatives reviewed the actuarial valuation that was prepared for the City as of June 30, 2021. The Plan's total OPEB liability went from \$129,391,274 as of June 30, 2019 to \$195,285,449 as of June 30, 2021. This was due mainly to an assumption change increase along with increases in the number of covered retirees/spouses and the number of active employees eligible for benefits. A letter summarizing the results will be sent to the Mayor and City Council on the November 22, 2021 agenda.
- Motion made and seconded to recess at 9:55 am and reconvene at 11:00 am. Approved 5-0.
- Meeting called back to order at 11:10 am.
- Representatives Alex Bartholomew and Michelle Newcomb from Bartholomew & Company appeared before the board. The representatives reviewed the City's portfolio performance from inception to June 30, 2021. The fund totaled \$16,476,947.61 with an annualized return of 5.15% since inception.
- Bartholomew and Company reported that the portfolio's performance through October 31, 2021 was positive. The balance in the fund was \$16,724,167.00 with a portfolio return of 4.98% for the calendar year.
- Patrick Jones will be sending the portfolio's performance as of June 30, 2021 and October 31, 2021 to the Mayor and City Council for the November 22, 2021 agenda.
- The board discussed the recently approved transfer request of \$1,500,270.00 to be transferred to the OPEB Trust based on the City's financial policies. These monies along with the FY22 appropriation of \$400,000.00 will be invested in the OPEB Trust portfolio.
- A motion was made and seconded to transfer \$1,500,270.00 to Bartholomew & Company and be invested in eight equal payments starting with November. Approved 5-0.
- The board reviewed a draft letter regarding OPEB Trust performance submitted by Patrick Jones for comment. Once finalized, it will be forwarded to the Mayor and City Council to be placed on the November 22, 2021 agenda.
- The Board discussed holding the next meeting sometime in January of 2022.
- Motion made and seconded to adjourn at 12:22 pm. Approved 5-0.

Respectfully submitted



Diane Smith